EXTENSION OF REMARKS

LET'S NOT FORGET ABOUT THE SUFFERING PEOPLE OF ALBANIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. BROOMFIELD. Mr. Speaker, the political and economic landscape of the former Soviet Union and Eastern Europe has undergone massive change in recent years. At this very moment, many nations in that region are trying to adopt free-market economies and build democratic systems. Many are quickly learning that transition from one system to another is painful, socially disruptive, and lengthy. Albania is a tragic example.

The world's attention has been fixed on the troubles in the Commonwealth of Independent States, economic difficulties in Poland, and the terrible conflict in Yugoslavia. Unfortunately, few of us are aware of the terrible conditions in Albania, a small country that is experiencing major economic problems as it attempts to join the modern world.

I want to share with my colleagues a revealing article about the tragedy in Albania and urge the administration to do more to help its freedom loving people. We must always remember that instability can bring about the collapse of a young democracy, followed by the inevitable rise to power of an authoritarian figure who rejects the values and system of government that we hold so dear.

I commend the following article, which appeared in the New York Times on February 16, to my colleagues in the Congress:

ALBANIA SEARCHES FOR STABLE FUTURE

(By Brenda Fowler)

TIRANA, ALBANIA, FEB. 15.—Though the reservoirs are full, the water system in this capital city is turned on for only a few hours a day to avoid overtaxing the decrepit water mains. Waves of power cuts leave many neighborhoods dark. Shootings, robberies and thefts have become rampant in recent months, and residents now rush to get home before dusk.

Walls around some public buildings have disappeared because the bricks have been stolen. Some people have taken to chopping down trees in the city's parks to get firewood. Italian soldiers must escort trucks of food aid that supply nearly all of the country's basic needs. On Friday, 700 armed looters made off with 30 tons of Western food and medical aid stockpiled in a warehouse in the city of Rogzhine, witnesses said.

"The people are desperate and depressed, and they feel that there is no public order," said Eduard Selami, the secretary general of the Democratic Party, which abandoned its governing coalition with the Socialist Party in December, complaining that the Socialists were blocking democratic reforms.

MORE INSTABILITY AHEAD?

Since then, this tiny country between Yugoslavia and Greece has been led by an interim leadership that has hardly been able to maintain basic government services. After months of debate over the country's new election law, President Ramiz Alia this week set March 22 as the date for the country's second-ever multi-party parliamentary elections.

But politicians and Western diplomats here warn that even greater instability is to be expected if the new government is not able to quickly lead the country out of what they say is a political crisis and economic catastrophe.

"Even the police are afraid now," one Western diplomat said.

Estimates of unemployment range from 20 percent to 50 percent, and though there are no official statistics on inflation, prices have increased from three to five times in the last year while wages have remained the same. According to Gramoz Pashko, an economist and former Deputy Prime Minister, agricultural and industrial production have dropped by half since 1989 and strikes are frequent.

A FLIGHT OF THOUSANDS

Politicians estimate that at least 200,000 Albanians have left the country—most illegally—for Greece and other European countries in the last year, hoping to find work and some basic comforts that are lacking here. Many still want to leave, and the port of Durres, from which tens of thousands of Albanians last year commandeered ships to Italy, remains sealed off by soldiers.

"People are leaving because there is a crisis in faith," said Isa Hoxha, a 60-year-old electrician.

Both the Democrats and the Socialists, the former Communists, claim that they can restore the forces of order, yet the only obvious difference in their election platforms is that the Democrats say they are anti-Communist.

"Our Socialist Party offers a contemporary alternative, the well-known European alternative of a social market economy, which is the alternative of democratic socialism," the deputy chairman of the Socialist Party, Servet Pellumbi, wrote this week in his party's newspaper, Zeri i Popullit. Yet the Democrats claim that the Socialist-dominated Parliament has stymied legislation aimed at creating a freer market, which they say is essential for attracting foreign investment.

WHO'S IN CHARGE

"All foreign investors who want to come into Albania are putting value in the elections and hoping that someone takes charge, because right now no one is in charge," another diplomat said.

Few neutral observers are bold enough to predict the outcome of the elections here, but as in the country's first free multiparty elections in March 1991, the cities are expected to go for the Democrats and the rural areas, where 70 percent of the population lives, for the Socialists.

In the meantime, the process of disassembling the country's enigmatic Communist history, which is well under way in the other post-Communist countries of Eastern Europe, has yet to begin in Albania. In an interview today, Mr. Alia said that no one had to be afraid of the past.

"But to discuss the past now doesn't help us through our difficulties," said Mr. Alia, who was named President upon the death in 1985 of Albania's hardline Stalinist leader, Enver Hoxha.

HEALTH CARE CHOICE AND ACCESS IMPROVEMENT ACT OF 1992

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. RHODES. Mr. Speaker, today I am introducing the Health Care Choice and Access Improvement Act of 1992, for myself, Mr. HASTERT, and Mr. GOSS.

While we endorse the intention of President Bush's plan for comprehensive health care reform, we have identified several critical elements that can be implemented now. Although America has the finest health care in the world, in a nutshell, two critical areas must be addressed. First, not all Americans have access to medical insurance to pay for health care. Second, the cost of health care continues to spiral out of control.

Our bill focuses on these areas and institutes reforms that make health care coverage more affordable and accessible. Furthermore, our proposals will not impose new financial burdens on States or impose new Federal taxes. Most importantly, every provision in our bill could begin to be implemented tomorrow, with immediate and positive results.

Our bill, the Health Care Choice and Access Improvement Act of 1992, is designed to reform those areas of our health care system that need immediate attention. It has four sections—medisave accounts tax incentives; long-term care insurance incentives; medical malpractice tort reform; small group insurance market reform.

A section-by-section analysis of our bill follows:

THE HEALTH CARE CHOICE AND ACCESS IMPROVEMENT ACT

Section 1: Short Title and Table of Contents.

TITLE I: FAMILY HEALTH AND WELLNESS SAVINGS PLAN

Section 101: Changes the Internal Revenue Code of 1986 to allow establishment of Medical Savings Accounts (MSAs).

Tax Deductibility. Any amount deposited into the MSA account is tax deductible up to the applicable limit. This limit is equal to $4,800 per year plus $600 per year for each dependent. Funds withdrawn from the account are non-taxable if used for qualified medical services currently approved under the IRS rules.

Eligibility. An individual may establish a MSA account if they are not currently covered by any employer-provided group health plan or if he/she is covered by an employer-provided group health plan which is a qualified catastrophic coverage health plan.

Qualified Catastrophic Coverage Health Plan. Any plan that is certified by the Secretary of Health and Human Services to have a deductible limit equal to or greater than $3000, a 15 percent co-payment for the next $6,000, and full reimbursement for medical expenses exceeding $9,000.

Use of funds for Non-Medical Purposes. Any withdrawals from the account for non-medical purposes is considered taxable income and subject to a 10 percent penalty.

Inflation Adjustment. All applicable amounts mentioned above shall be increased by an amount equal to the cost-of-living adjustment based on average total wages.

Other Limitations. MSAs are subject to other applicable rules and limitations similar to those imposed on Individual Retirement Accounts.

Section 102: Unused amounts in Flexible Spending Accounts would be transferable to Medical Savings Accounts.

TITLE II: TAX TREATMENT OF LONG-TERM CARE INSURANCE PLANS

Subtitle A: Treatment of Long-Term Care Insurance

Section 201: Changes the Internal Revenue Code of 1986 to allow qualified long-term care insurance to be treated as accident or health insurance.

Qualified Long-Term Insurance. A qualified policy will meet the following requirements: Issued by a qualified issuer that meets standards set forth in the January 1990 Long-Term Care Insurance Model Regulation of the National Association of Insurance Commissioners; certified by the Secretary of Health and Human Services; covers not less than 12 consecutive months for each covered person 50 years old for one or more medically necessary, diagnostic, preventive, therapeutic, rehabilitation, maintenance, or personal care services provided in a setting other than an acute care unit of a hospital.

Section 202: Changes the Internal Revenue Code of 1986 to allow employees to receive long-term care insurance as a tax-free fringe benefit.

Section 203: Changes the Internal Revenue Code of 1986 to allow penalty-free withdrawals from Individual Retirement Plans or 401(k) plans for purchasing qualified long-term care insurance.

Section 204: Changes the Internal Revenue Code of 1986 to allow life insurance policies to be exchanged for qualified long-term care insurance and the exchange would not be taxable.

Subtitle B: Employer Funding of Medical Benefits

Section 211: Medical Benefits for Retired Employees and their Spouses and Dependents. Encourages companies to establish health benefit accounts for retirees and their spouses/dependents. Provides a tax deduction for the employer's contribution to the accounts.

Section 212: Defines funded reserve accounts and vesting requirements to qualify for tax deduction of premiums paid, including special rules (excise tax) on allocated assets not used to provide retiree health benefits.

Subtitle C: Reverse Mortgage Insurance for Older Americans

Under the National Housing Act, older Americans who seek reverse mortgage annuities would be allowed to use that income to purchase long-term care insurance up to 95 percent of the value of the median housing prices.

Subtitle D: Income Tax Credits

Section 231: Changes the Internal Revenue Code of 1986 to provide a $2,000 refundable tax credit for taxpayers providing custodial care in their homes. A "qualified person" is any individual who is a parent, grandparent, dependent, or spouse of the taxpayer who has been certified by a physician as being unable to perform at least two activities of daily living (bathing, dressing, toileting, transfer, eating).

Section 232: Changes the Internal Revenue Code of 1986 to provide a refundable tax credit for independent persons requiring long-term care. The credit will be 25 percent of the qualified long-term care expenses paid during the taxable year, not exceeding $2,000. The credit will be phased-out for taxpayers with incomes exceeding 150 percent of the poverty level.

Subtitle E: Treatment of Accelerated Death Benefits

Section 241: Changes the Internal Revenue Code of 1986 to allow the payment of accelerated death benefits from a life insurance policy to an individual who is terminally ill or permanently confined to a nursing home.

Section 242: Changes the Internal Revenue Code of 1986 to allow insurance companies to treat qualified accelerated death benefits as life insurance.

Subtitle F: Federal National Long-Term Care Reinsurance Corporation

Section 251: The Secretary of Health and Human Services is authorized to provide for the incorporation of the Federal National Long-Term Care Reinsurance Corporation. It will not be an agency or establishment of the United States Government. The Corporation will provide for the reinsurance of insurance companies for extraordinary loss in the issuance or payment of benefits for qualified long-term care insurance. The Corporation will impose premiums that are related to actuarial estimates of the type and amount of financial risk assumed.

TITLE III: MALPRACTICE LIABILITY REFORM

Section 301: Definitions.

Section 302: Malpractice liability reform requirements described. A State meets the requirements of this section if it has enacted the following reforms:

Establishes alternative dispute resolution mechanisms; the elimination of joint liability for non-economic damages;

A cap of $250,000 on non-economic damages; the elimination of the collateral source rule to prohibit double recovery by the plaintiff when compensation has been received from other sources; allowing judgments for future costs, such as future medical bills, to be paid in periodic payments rather than as a lump sum;

Limits attorney's fees to 33 percent of the first $50,000, 20 percent of the next $100,000, 15 percent of the next $100,000, and 10 percent of any amount in excess of $250,000; and

A special provision for certain obstetric services.

State must also institute quality assurance reforms, such as improving the performance of state medical boards.

Section 303: The Secretary may waive any of the above requirements for good cause or to enable a State to carry out demonstration projects.

Section 304: States must submit notification of compliance to the Secretary.

Section 305: Incentives through Medicare and Medicaid. A "bonus pool" of funds is created to distribute to states that comply with the above regulations. This mechanism would be instituted over a three-year period, giving states time to respond. The incentive pool is created by withholding two percent from the amount payable to states for Medicaid administrative costs, and one percent from the annual increase payable to hospitals for operating costs through Medicare's prospective payment system.

Section 306: Community Health Centers are covered by the Federal Tort Claims Act.

Section 307: Liability protections are extended to certain health care professionals.

TITLE IV: WORKING AMERICANS ACCESS TO HEALTH CARE

Subtitle A: Increase in Small Employer Access to Affordable Insurance

Section 401: The Secretary of Health and Human Services will request the National Association of Insurance Commissioners to develop standards for: the requirement that small employer carriers offer MedEquity plans; the basic benefits to be included in the MedEquity plans; and the requirements of guaranteed issue of MedEquity plans. If NAIC fails to develop standards, the Secretary will do so. States must adopt the NAIC model or they will be regulated by the federal government.

Section 402: State benefit mandates are preempted for states that meet consumer protection standards.

Section 403: Small employer insurance carriers offering a MedEquity plan in a state must offer the same plan to each small employer in the state and must accept every individual for enrollment.

MedEquity Plan Defined. A MedEquity plan will include basic hospital, medical, and surgical benefits.

Cost Containment Standards. The Secretary shall request the NAIC to develop models for cost-containment features in MedEquity plans.

Section 404: Requirements for Initial Writing of Policies. An insurance carrier may not impose a limitation or exclusion of benefits under a small employer health benefit plan based on pre-existing conditions.

The variation of index rates and premium rates between blocks of businesses is limited.

Insurance carriers are required to fully disclose to the employer the rating practices used. Each insurance carrier is required to file annually with the State commissioner of insurance a written statement by a member of the American Academy of Actuaries that the carrier is in compliance with this act.

Section 405: Requirements relating to renewal. An insurance carrier may not cancel a small employer health benefit plan or deny renewal of coverage under such plan other than for: nonpayment of premiums, fraud or other misrepresentation by the insured, noncompliance with plan provisions, failure to maintain the required number of enrolles under the plan, misuse of a provider network provision, or because the carrier is ceasing to provide any plans in a state.

An insurance carrier may not provide for premium increases in a percentage greater than what is allowed by this act.

If an insurance carrier terminates the offering of health benefit plans, the carrier may not offer such a plan for five years.

Section 406: Establishment of reinsurance mechanisms for high risk individuals. The Secretary shall require the NAIC to develop models for reinsurance mechanisms for individuals and small employers who are enrolled under a small employer health benefit plan that meets the Act's standards and for whom a carrier is at risk of incurring high costs under the plan. If a state fails to adopt a reinsurance mechanism, the Secretary shall establish one or more mechanisms in that state.

Section 407: Registration of all health benefit plans required. Each state commissioner

or superintendent of insurance may require each employer health benefit plan to be registered with such officials.

Section 408: Definitions.

Section 408: Qualified small employer purchasing groups shall be exempt from state health benefit mandates, state taxes on health insurance premiums, and state laws prohibiting certain types of managed care activities.

A qualified small employer purchasing group must meet these requirements: submits an application to the Secretary of Health and Human Services; the association is administered solely under the authority and control of its member employers; the association's membership consists solely of employers with not more than 100 employees; with respect to each State in which its members are located, the association consists of not fewer than 100 employers.

Subtitle B: Equalization of Tax Benefits for Self-Employed Persons Under Certain Plans

Section 411: Increases the tax exemption from 25 percent to 100 percent for self-employed individuals.

Subtitle C: Managed Care Rights

Section 421: The following provisions of state law are preempted: restrictions on reimbursement rates or selective contracting; restrictions on differential financial incentives; restrictions on utilization review methods.

Subtitle D: Study and Report

Section 431: The Secretary shall provide a study on the impact of the changes made by this title on: increasing access to health care; the number of employees of small employers who do not have health insurance coverage; the cost of small employer health benefit plans; and the effectiveness of MedEquity plans.

CONGRATULATIONS TO JUDY VOGEL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Judy Vogel as she is honored by the Business and Professional Women of the United Jewish Community.

Judy has served on the board of business and professional division since its inception. She is also a member of the advisory board of women's division, a past vice president of the United Jewish Fund of Englewood and surrounding communities, and a past president and campaign chairman of the women's division of the United Jewish Fund of Englewood. Judy also is a member of Hadassah, NJCJW, and ORT. In addition, she has been chairman of many events for the Business and Professional Women.

Judy is a graduate of New York University and professionally is employed as a diabetes educator. She is involved in the following professional organizations: American Association of Diabetes Educators, National Foundation for Diabetes, and the American Diabetes Association. She has been a member of Temple Emanuel of Englewood for 40 years.

She is a devoted mother and mother-in-law to Phillip, David, Ethan, Amy, Luara, and Kate and is the proud grandmother of Diana Rose.

Mr. Speaker, I am proud to join in paying tribute to this exceptional woman. She is among those outstanding few who truly make a difference in society.

HOSPITALS MUST LOOK BEYOND THEIR FOUR WALLS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, recently I had the good fortune of meeting with Mr. Gaffer Moll, the president of Beth Israel Hospital in Pastiche, New Jersey. Mr. Moll has great insight as to our Nation's health care problems, and the role of hospitals in an efficient health care system. For the RECORD, I would like to submit an editorial by Mr. Moll which recently appeared in the Bargain County Record.

THE CHANGING HEALTH-CARE MARKET—HOSPITALS MUST LOOK BEYOND THEIR FOUR WALLS

(By Jeffrey Moll)

Traditionally, the strength of New Jersey hospitals has been measured in terms of the number of inpatients compared with the number of beds.

This view has been a standard for many hospital administrators, managers, and board members, as well as market analysts. It is on this perception that the usual course of market growth has been based—typically, the expansion of the hospital campus itself.

Interestingly enough, many analysts and state officials continue to define a hospital's primary assets in terms of its physical plant and bed capacity. However, most managers have begun to realize that this standard no longer applies—that "the bed is dead" within the health-care market.

Lately, the primary growth in hospital activity nationwide has been in outpatient services.

Although 90 percent of a hospital's business may have been inpatients 15 years ago, that figure is declining. According to statistics released by the New Jersey Hospital Association, the length of inpatient stays has decreased 16.5 percent since 1980, while outpatient visits have increased 63 percent.

In fact, gross outpatient revenue at New Jersey hospitals has increased approximately 232 percent in 10 years, compared with a 99 percent increase in inpatient revenues.

This change within the market has forced administrators to revise their health-care concepts and explore the potential for expanding beyond their traditional four walls.

Although health care is a necessary community service, it is also a business, and basic business practice dictates that services be tailored to meet market demand.

The market is now requiring medical facilities to reach out to the community. No longer does strategic planning simply translate into physical expansion, with the intent of accommodating larger inpatient populations. Those who wish to survive in the struggling New Jersey economy must reevaluate their strategies and adopt new policies that meet the growing realities of the health-care market.

Many hospitals have already begun to respond to these demands. In fact, the surge in programs conducted off hospital grounds illustrates industry efforts to adjust to the market. For instance, although house calls are a thing of the past for lots of doctors, many New Jersey hospitals have resuscitated similar services to accommodate changing needs.

Home health care in this state has undergone overwhelming growth, with nurses, dieticians, and other practitioners visiting patients.

Beth Israel alone had a 30 percent increase in such visits in 1990 compared with 1989, which was already up 20 percent from the year before. In the first eight months of this year, the hospital has been responsible for 80,000 visits to patients' homes—a 35 percent increase over last year.

Many hospitals are also starting to develop other forms of community programs. For example, some send medical vans directly to high-density neighborhoods that are often low-income as well. Immunization, screenings, physical exams, and health education will soon be conducted on location, often at a work site.

In addition to conducting extensive education programs at the workplace, many hospitals conduct screenings for cancer, substance abuse, high cholesterol, and other disorders.

Many hospitals have begun to establish satellite offices. Off-site medical centers are becoming the norm rather than the exception, gaining significant popularity and credibility with patients.

The rise in "urgent care" facilities showed the industry that such programs were not only possible but necessary. Convenience is an important priority in today's society so alternative medical care is welcome.

The perception of quality care no longer centers on a hospital bed. Patients who once used emergency rooms (sometimes inappropriately) are now using off-site facilities. People have even grown accustomed to seeking treatment at facilities within shopping centers.

Experiences within our own cancer unit are an example of the trend for off-site care.

Although cancer treatment may have once been considered an inpatient procedure, Beth Israel has witnessed a major move to outpatient services. Outpatient chemotherapy has skyrocketed about 300 percent over the last decade, and about 90 percent of radiation therapy is done on an outpatient basis.

Indeed, Beth Israel's recent plans for physical expansion have emphasized outpatient cancer treatment and same-day surgery.

To remain competitive, administrators must reconfigure their four walls to allow for new technology; they must redesign them to accommodate growing outpatient services.

In the future, patients may not even realize they are going to the hospital.

TRIBUTE TO PORTSMOUTH HIGH SCHOOL GIRL'S SOCCER TEAM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate the Portsmouth High School girl's soccer team for its recent success in winning the division I girl's Rhode Island soc-

cer championship. Portsmouth captured their first State soccer championship by defeating South Kingstown 4–3.

Although the team was down 2–0 at half time, Portsmouth set a Rhode Island playoff record by scoring four goals in the second half to win this exciting contest. A goal scored by Jessica Cardoza with an assist by Christy Almy proved to be the winning tally that won the State title for Portsmouth.

Portsmouth finished the season with a record of eight wins, five losses and four ties. Portsmouth defeated Warwick and Barrington by identical 1–0 scores to make the State final.

I send my sincerest congratulations to Coach Bob Rutkiewicz and Portsmouth's girl's soccer team for winning the Rhode Island girl's soccer championships. I wish you all the best in your future endeavors.

A TRIBUTE TO DR. AUGUSTINE RAMIREZ

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to a most remarkable man, Dr. Augustine Ramirez, who is retiring after an outstanding career dedicated to education. Augustine, after 39 years teaching the youth of our community, has been serving as assistant superintendent at the San Bernardino County Superintendent of Schools. He was recognized for his many accomplishments at a retirement dinner on January 10.

Augustine started his profession as a 10th grade Spanish and English teacher at Fontana High School. He took a 2-year break from the high school to instruct the Sixth Army, Camp Tortuguero, PR, in languages. In 1961, Augustine chose a more administrative direction and moved to Corona Senior High School where he acted as assistant principal; 5 years later, he relocated to Norco Junior High as their new principal. Since then, he has been director of administrative services; assistant superintendent, administrative services; and, finally, superintendent of schools all for the Corona-Norco Unified School District. In 1984, Augustine moved to his present job in San Bernardino where he has been a pillar of leadership and responsibility.

On top of his professional activities, Augustine Ramirez has devoted significant time and effort toward civil and community-oriented projects. He has counseled for the Boy Scouts, been community director of the Corona Community Hospital, been team chair of the United Fund Building Campaign, and has been both a member and on the honorary board of directors for the Corona Chamber of Commerce. Augustine is also an active participant in St. Edward's Catholic Church.

Augustine belongs to many professional groups such as Phi Delta Kappa and the Corona Lion's Club. Other professional organizations include both the California and American Association of School Administrators and both the Southern California and California City Superintendents. He has been active with the Western Association of Schools and Colleges [WASC] since 1978, and held the chairman position for 10 of those years. To complete this already lengthy list, Augustine is an EDUCARE member of the University of Southern California, the alma mater for his doctoral degree in education.

For his involvement and commitment to his many ventures, Augustine has received a number of awards. These honors include the distinction of grand marshal in the 1983 Cinco de Mayo celebration and in the Fourth of July parade. Additionally, he is a life member of the Active 20–30 Club and the district member for the League of United Latin American Citizens.

Mr. Speaker, I ask that you join me, our colleagues, friends, and family in recognizing the many contributions of a very fine man, Augustine Ramirez. Augustine's dedication and many years of generous service to the community are certainly worthy of recognition by the House today.

KEEP UP THE GOOD FIGHT FOR INCOMPETENT VETERANS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. DORNAN of California. Mr. Speaker, on February 3 of this year, the U.S. District Court for the Southern District of New York granted a preliminary injunction against the Department of Veterans' Affairs implementation of a law suspending disability compensation to certain incompetent veterans.

The law is a provision in the Omnibus Budget Reconciliation Act of 1990 which discontinued service-connected compensation payments to veterans who have no dependents, who are rated incompetent, and whose estates, excluding the value of their home, exceeds $25,000. Under current law, an "incompetent" person is one "who because of injury or disease lacks the mental capacity to contract or to manage his or her own affairs, including the disbursement of funds without limitation. Payments to these incompetent veterans would only resume when a veteran's estate is reduced below $10,000.

In her decision, Judge Shirley Wohl Kram wrote that the law "is not only underinclusive but also irrational, and thereby constitutionally impermissible." According to the Disabled American Veterans organization, the district court injunction will force the Department of Veterans' Affairs to resume disability compensation to more than 13,500 veterans.

I have introduced legislation, along with MARTIN LANCASTER of North Carolina, which would also reverse this unjust law and restore these important benefits. We are currently circulating a letter to the more than 150 cosponsors of this legislation which will be sent to President Bush next week. The letter urges the President and the Department of Veterans' Affairs to accept the decision of the Federal court and to refrain from any additional challenges or appeals.

If you are a cosponsor of H.R. 1473, I urge you to sign this letter as soon as possible. If you are not a cosponsor, I encourage you to contact my office to add your name to the growing list of Members who have expressed the desire to keep up the good fight for incompetent veterans.

Mr. Speaker, I will include with these remarks an article from the Cleveland Plain Dealer which conveys the national interest and combined efforts involving H.R. 1473 and incompetent veterans.

[From the Cleveland Plain Dealer]

VETS TRY TO REGAIN BENEFITS FOR INCOMPETENTS

WASHINGTON.—Disabled veterans have lined up with a mental health group and a California congressman to try to regain benefits Congress withheld in 1990 from a small group of veterans: those judged incompetent who are single and without dependents.

The point was to prevent millions of federal dollars from ending up in the hands of distant relatives of those veterans who need full-time caretakers.

The Department of Veterans Affairs rates a vet "incompetent" who lacks the capacity to make financial judgments and therefore needs a family member or other caretaker to make those decisions.

Studies by the VA's inspector general found examples of veterans' estates accumulating more than $100,000 in benefits—all of it inherited by relatives when the veterans died.

So, in the 1990 budget agreement, Congress agreed to shave $291 million from the federal deficit by denying benefits to those veterans judged incompetent—if they had no immediate family and an estate of over $25,000, excluding their homes. Once the estate was whittled down to $10,000, the benefits kicked in again.

The exclusion was slated to last only two years, expiring on Sept. 30, 1992.

But Disabled American Veterans, the National Alliance for the Mentally Ill and Rep. Robert Dornan, R-Calif., believe the entire provision was a massive injustice against disabled veterans. They claim the law violates the Americans With Disabilities Act, which goes into effect this year. The act prevents discrimination against the disabled.

Disabled American Veterans last year filed a class-action suit challenging the provision in U.S. District Court. The case was argued on Nov. 8 and a decision is expected shortly, said James Cromwell, a spokesman for the National Alliance for the Mentally Ill.

"The health community is on the warpath," he said. "What they (Congress) did was an outrage."

Cromwell said the groups had heard from hundreds of families around the country upset about losing monthly checks on which they had come to depend. He said about 10,000 veterans and their caretakers had lost benefits.

Dornan has introduced legislation that would repeal the provision and refund the $291 million to those veteans who lost benefits over the two-year period. But his bill faces an uncertain future, in part because there's no ready source of revenue to make up for the $291 million loss.

FULL PUBLIC DISCLOSURE OF HOUSE BANK

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ALLARD. Mr. Speaker and Members of the House, I bring to you today some good news and bad news.

The good news is that the media in my State of Colorado are increasingly beginning to focus on Congress. The bad news is that their coverage is increasingly critical.

The media covers many of the things we do here in Washington, but do you know what congressional activity has received the most attention in the Colorado media these past several months?

It isn't the size of our national debt. It isn't the Presidential election or the Persian Gulf. The media, and in turn the public, keep hammering Congress for the truth about the activities at the House bank.

To be honest, when news of this story first broke I was astounded, even though I figured there were just a few Members involved. But since the initial reports it has grown to become an anchor around all our necks, regardless of blame.

Interestingly, there are still some of my colleagues who can't understand what is fueling the public's outrage. Well, the reason is simple. It's the rumors and the speculations—it's the seemingly endless GAO auditing and congressional wrangling about the type of disclosure. All of it combined has allowed it to fester.

One editorial writer at the Denver Post, tired of waiting for Congress to act, tried to at least get to the bottom of the Colorado delegation's records. He publicly demanded that Members of Congress from Colorado produce copies of their bank statements as proof of their innocence. Several of us dutifully trooped in to his office and offered up our proof and supplied copies of our bank statements.

Well, guess what? He discovers about the same time as Congress does that even our bank statements don't accurately reflect whether 1, 5 or 100 checks were bounced on that account. A negative balance never shows up.

So what do our personal bank records prove to this editorial writer? Nothing. And unfortunately he knows it. We know it. And now the voters know it.

The point of my statements here today is to call upon Members of the House to support full, complete, and honest disclosure of House banking records. I hope members of the Ethics Committee will bring before us a resolution to disclose all records of the House bank. Further, I hope that we will all be given a chance on the record to vote for full disclosure. If we end up voting on some watered-down resolution that gives the public only a congressional summary of transgressions we're all going to be tarnished—and deservedly so. Less than full disclosure will be worse than no disclosure at all because the American public will wonder why all transgressors were not disclosed.

The solution to this problem is simple. Full and complete disclosure. Let's stop the bleeding. Let's finally put this issue to rest.

In closing, Mr. Speaker, I would like to enter into the RECORD a recent editorial from a hometown newspaper, the Fort Collins Coloradoan, which I hope Members will take a moment to read and digest. It calls for disclosure of the House banking records and eloquently sums up the simmering public distaste on this issue.

DISCLOSE NAMES, RECORDS OF ALL WHO USED BANK

The U.S. House Committee on Standards of Official Conduct—the ethics committee—begins its investigation this week into the bouncing of checks by House members at the now-closed House bank.

In the meantime, an unknown number of House members, no doubt with guilt on their consciences and re-election on their minds, have sent the House sergeant-at-arms more than $4,000 in self-imposed penalties for the rubber checks.

Like the General Accounting Report that called attention to this scandal, names of the members who have paid these penalties have not been made public. According to The Associated Press, the GAO report found 8,381 bad checks were written on accounts at the bank between July 1989 and June 1990. On checks written for $1,000 or more, the GAO found 134 account holders writing 581 checks on insufficient funds. Twenty-four account holders averaged at least one returned check a month.

The ethics committee is going to wrestle too long with this problem. There is no House rule that applies, other than a call for "conduct * * * at all times in a manner which shall reflect creditably" on the House. A new rule now shouldn't be used to punish past conduct.

The solution is simple. The best disinfectant in government has always been disclosure. Just make public the names of those who used the bank and those who misused the bank. Then voters can decide what to do.

TESTIMONY BEFORE HOUSE BUDGET COMMITTEE ON FISCAL YEAR 1993 BUDGET PROPOSAL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. MAZZOLI. Mr. Speaker, on February 19, 1992, I testified before the Budget Committee to offer my views on how the fiscal year 1993 budget proposal will affect my community of Louisville and Jefferson County, KY.

I ask that my comments be made part of the RECORD.

STATEMENT BY CONGRESSMAN ROMANO L. MAZZOLI ON THE FISCAL YEAR 1993 BUDGET PROPOSAL

Mr. Chairman and Distinguished Members of the Committee, I appreciate this opportunity to testify before you today on the Administration's Fiscal Year 1993 budget proposal.

It is to this Committee's credit that the completion of the 1993 budget has been put on the "fast track". Early action on the budget resolution will provide the budgetary framework and financial guidance for the economic growth and tax fairness package, which will be the main order of business for the first half of this Session.

Mr. Speaker, I am privileged to represent Kentucky's Third Congressional District, which is comprised of Louisville and Jefferson County. As one whose District is urban and suburban in makeup, my views on budget issues will reflect my belief in the urgent need to address the pressing problems facing America's cities and towns.

These views, I believe, will be echoed by many of my colleagues who will appear before this distinguished panel. Restoring our country's competitiveness can only be achieved by revitalizing our cities.

First, with regards to the Housing and Community Development Budget, I am concerned about the Administration's proposal to reduce or totally eliminate funding for:

The Community Development Block Grant Program;

The HOME Investment Partnership Program;

Public Housing Operating Subsidies;

Public Housing Modernization;

Public Housing New Construction;

And, Section 8 Certificates.

Providing for the affordable housing needs in my community is a priority for me and for Jefferson County Judge/Executive David Armstrong and City of Louisville Mayor Jerry Abramson. Restoring this funding, as well as extending the matching provision waiver for HOME, will help meet the goal of making available decent housing for all.

Second, and in a related vein, I am both pleased and disappointed in the Administration's budget proposal for the Stewart B. McKinney Homeless Assistance Program. While I am encouraged that funding for housing assistance and for homeless persons would be increased, I am very concerned about the plan to significantly reduce funds for the FEMA Emergency Shelter Grant Program and the HUD Emergency Shelter Grant Program. Such a plan seems inconsistent when requests for these services are increasing.

I am an original cosponsor of the legislation to reauthorize the Stewart B. McKinney Homeless Assistance Act, and I am grateful for the Committee's continued support for preserving these valuable programs.

Third, the Administration has proposed a reduction in spending for Anti-Drug Enforcement Grants. Over the years, I have worked to assure that communities are given the resources and flexibility to deal with the scourge of drugs. In fact, the Crime Bill we will be taking up this session includes an amendment of mine that permanently retains the 75% federal—25% local match for anti-drug law enforcement assistance funds. Reducing spending would make it very difficult for urban areas to continue the momentum they have achieved thus far.

Fourth, I lend my full support for the Administration's proposed budget increases for three important Human Services Programs: The Child Nutrition Program; The Women, Infants and Children Program; and, Head Start.

If we fulfill the needs of our children, we can greatly enhance their potential to become productive citizens. As Representative William Natcher, a distinguished Member of the House and Dean of the Kentucky Delegation says, if America provides for the education and health and welfare of its people, we will continue to live in the greatest country in the world.

To further support Representative Natcher's conviction, I would like to encourage more funding for public libraries. The Administration has proposed a budget of $35 million in Fiscal Year 1993 for libraries, down from $142 million this year. I respectfully disagree with the Department of Edu-

cation's contention that the money to build, expand and assist local libraries is no longer needed. The Louisville Free Public Library in my District is struggling to meet the demand for services, and a further reduction in funds could be devastating. I maintain that a strong library system is critical to communities' efforts to remain viable competitors in the world marketplace.

Fifth, among the Administration's tax proposals of particular importance to cities are the extension of: Low-Income Housing Tax Credits; Targeted Jobs Tax Credits; and, Mortgage Revenue Bonds.

In January, I had the opportunity to testify before the House Ways and Means Committee to lend my support for a permanent extension of these tax provisions. These tax provisions have assisted with Louisville and Jefferson county officials' work to furnish affordable housing, and they have allowed employers to provide employment for many economically disadvantaged individuals. I hope the budget Committee will look favorably upon this recommendation.

Another of the Administration's tax proposals of consequence to urban areas is the plan to establish 50 enterprise zones in economically distressed communities. I am an original cosponsor of legislation to create enterprise communities to support local housing, community development and law enforcement initiatives. In my view, this represents a comprehensive strategy for dealing with some of the most difficult problems facing our cities.

Sixth, like many Members who represent urban and suburban areas, it is very disconcerting to learn that the Administration has proposed a substantial decrease for federal mass transit programs.

I was proud to support the 1991 Surface Transportation Act we passed in the first session, which included the promise of increased funding for mass transit. Backing away from this pledge would reduce the availability of affordable and reliable public transportation on which many citizens depend. Furthermore, out of concern for energy conservation and the possibility of gridlock, I urge the Committee to reject this proposal and honor the commitment Congress and the President made to support mass transit.

Finally, in keeping with my strong belief in the urgency for revitalizing our cities, I respectfully request that the Committee give favorable consideration to the public works projects proposal recently submitted by the United States Conference of Mayors. Included in that proposal is a list of housing, aviation, highway, transit, and drainage and wastewater projects that are needed in my district in Louisville and Jefferson County.

It is estimated that these projects, which are ready for construction but have been delayed for lack of funding, would create approximately 5,000 jobs in my hometown region. Stimulating the national economy is a goal of both the Administration and Congress, and I encourage the Committee to view this proposal as one means of accomplishing that very important objective.

Mr. Chairman and Committee Members, thank you for your time and for this opportunity to appear before you.

TRIBUTE TO RICHARD "FOXY" MARSHALL AND PORTSMOUTH HIGH SCHOOL FOOTBALL TEAM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate Richard "Foxy" Marshall and the Portsmouth High School football team for winning the Rhode Island Championship Division State finals. Portsmouth won the State title in only its first year of competition in Rhode Islands' top conference.

Head Coach "Foxy" Marshall now has won State titles in three different divisions: B, C, and now the championship division. Portsmouth finished the season with an overall record of 10 to 1 and a league record of 8 to 1.

With Portsmouth High School and Lasalle Academy tied 14 to 14 at the end of regulation, Portsmouth defeated Lasalle on the first play of overtime on a pass play from quarterback Jason Wessels to tight end Ryan Perras. The end result was a 21 to 14 overtime victory for Portsmouth.

I send my sincerest congratulations to Richard "Foxy" Marshall and the Portsmouth High Football State Championship Team. I wish all the best in your future endeavors.

A TRIBUTE TO CHIEF JIM ANTHONY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to an outstanding individual in my community who deserves to be recognized for his dedication and public service. This man is Jim Anthony, police chief of the city of Chino for the past 11 years. I wish to acknowledge today his remarkable achievements as he leaves the Chino force to become chief of police for the city of Glendale.

Jim is a graduate of the University of Southern California, the FBI National Academy, and the California Law Enforcement Command College. He served in the U.S. Army as a Sergeant, E–5, radio team chief in the Armor Division. Jim began his career as a law enforcement officer in 1964 when he became a commander in West Covina. Since then he has been active on the California Police Chief's Board of Directors and was president of the San Bernardino County Police Chiefs' Association. In addition, he has been a member of the California Police Officer's Association, the FBI National Academy Associates, and the president of the San Bernardino County Law Enforcement Administrative Officer's Association.

Jim Anthony has made a serious impact on the community by organizing and implementing numerous programs including Neighborhood Watch, Business Watch, Retired Senior Citizens Patrol, Drug Awareness [DARE], Domestic Violence, Emergency and Disaster Services, and Bilingual Cultural Awareness programs. He established a community business outreach information program including a fax network as well as a crime analysis unit, which has been recognized as a leader in California. He initiated the civilian position of community services officer to serve in Records, Crime Prevention, Patrol and Traffic Services. Also, he developed an emergency operations center and instituted a citywide disaster preparedness program.

Jim belongs to many civic organizations. Just a few of these include the Chino Family YMCA and West End YMCA Board of Directors, Chino Community Hospital Advisory Board, Rancho Del Chino Rotary Club, Citizen War on Crime Commission Board, and the Law Enforcement Advisory Committee.

Jim has also published many articles and consulted for law enforcement publications and journals including California State Office of Criminal Justice Planning, California Peace Officer, Journal of California Law Enforcement, and the Police Chief.

Mr. Speaker, I ask that you join me, our colleagues, friends, and family in recognizing the many contributions of a very fine man, Jim Anthony. Jim's dedication and many years of selfless service to the community are certainly worthy of recognition by the House today.

TRIBUTE TO MICHAEL DOYLE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, on January 11 of this year, one of my constituents displayed the kind of heroism that deserves recognition. It was 6 p.m. when Michael Doyle of 657 Dettmar Terrace in Runnemede, NJ, spotted smoke as he drove down Black Horse Pike in his hometown. Thick smoke was pouring from the windows of an apartment behind a doctor's office. Doyle stopped his car, jumped out and ran around the corner to tell firefighters at the Runnemede Fire Co. about the fire.

Then Doyle ran back to the burning apartment and, without thinking about himself, entered the building and searched for tenants. Luckily, no one was home, so Doyle left, but not before suffering smoke inhalation. Doyle, a member of the United Brotherhood of South Jersey, a men's charitable organization of which I am an honorary member, spent 3 days in the Stratford division of John F. Kennedy Memorial Hospital.

Such selfless acts must not go unnoticed, or unheralded. Doyle, who works for Pierson Construction Co., Inc., risked his own life to save other people's lives. Acts of kindness are nothing new for Doyle. He donates his time and materials to make handicapped ramps and has donated shingles for the roof of the local Boy Scouts.

It is a privilege to have people of Michael Doyle's caliber living in my district. He is a credit to the United Brotherhood and to the community. God bless him.

CONGRATULATIONS TO CHARLES J. ROTHSCHILD, JR.

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Charles J. Rothschild, Jr. who was recently elected to a 1-year term as secretary of the board of trustees of the University Health System [UHS] of New Jersey.

Since its founding in 1986, the UHS has established itself as the premiere health care delivery network in the State. A not-for-profit consortium, UHS consists of the University of Medicine and Dentistry of New Jersey/New Jersey Medical School and eight of New Jersey's major teaching hospitals, including Hackensack Medical Center.

Mr. Rothschild is a resident of Teaneck, where he lives with his wife, Margie, Mr. Rothschild is a former member of the Teaneck Advisory Board of Ethics.

He has served on the medical center's board of governors since 1980, and as chairman since 1989. Mr. Rothschild is the former chairman of the board and chief executive officer of the Megastar Apparel Group of Paramus, NJ.

His awards included recognition as B'nai B'rith Teaneck Chapter "Man of the Year" in 1978, a New Jersey Council of the Union of the American Jewish Committee "Humanitarian Award" in 1986.

Mr. Rothschild received his degree in economics from the University of Michigan and an honorary doctorate of letters in May 1989 from Hebrew Union College in Cincinnati.

I am honored to call Charles Rothschild a close friend. He is truly one of the special few who make a difference in society. Chuck is a man of the utmost integrity who sincerely cares about his neighbors, his community and his country.

Mr. Speaker, I am proud to join in paying tribute to this exceptional man and extend my best wishes to him.

UCLA GRADUATE MATH DEPARTMENT INVESTIGATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ROHRABACHER. Mr. Speaker, the Office for Civil Rights [OCR] at the U.S. Department of Education has had pending for years administrative complaints of racial quotas or other discriminatory practices in admissions at four units of the University of California. The investigation of the UCLA undergraduate admissions program is now over 4 years old. No letter of findings has been issued. On October 1, 1990 OCR found that this university's graduate math department had discriminated against Asian-American applicants.

OCR also has investigations of racial discrimination against Asian-Americans pending against the admissions policies of the undergraduate and law school programs of the University of California at Berkeley—both of which are over 2 years old. Another investigation program of the admission policy is continuing at the undergraduate program of the University of California at San Diego.

I realize that these cases are sensitive but these long delays are unacceptable. The constitutional rights of applicants to these instituions are at stake.

I hope that the January 31, 1992 unanimous decision of the U.S. Circuit Court of Appeals for the Fourth Circuit in Podberesky versus Kirwan will embolden the Department of Education to issue letters of findings in all four UC system admissions cases they have pending—they are long overdue.

For the enlightenment of my colleagues I will insert at this point in the RECORD the letter of finding from OCR in the UCLA graduate math department investigation.

Congress should add its voice to urge the department to issue letters of findings in these four pending cases by adding the text of my bill House Concurrent Resolution 102 to the Higher Education Act reauthorization bill that the House is expected to debate this spring.

The letter follows:

U.S. DEPARTMENT OF EDUCATION,
OFFICE FOR CIVIL RIGHTS,
San Francisco, CA, October 1, 1990.

Dr. Charles E. Young
Chancellor, University of California, Los Angeles (UCLA), Los Angeles, CA.
Attn: Winston C. Doby, Vice Chancellor of Student Affairs
(In reply, please refer to Docket #09–89–6004)

DEAR CHANCELLOR YOUNG: This letter and the enclosed "Statement of Findings" result from a compliance review by the Office for Civil Rights (OCR) to determine whether UCLA discriminates against Asian Americans,[1] on the basis of race in admission to the graduate educational programs of the University. This investigation was conducted under the authority of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100. As a recipient of federal financial assistance administered by the Department of Education, UCLA is required to comply with the provisions of this statute, which prohibits discrimination on the basis of race, color, and national origin.

SUMMARY OF FINDINGS

Using data pertaining to the admissions decisions for students entering in the Fall of 1986, 1987, and 1988, OCR reviewed 84 graduate programs. OCR found compliance with Title VI in all but nine programs. In some instances the compliance finding was based on a statistical overview of the program. In other instances, the statistical overview and direct examination of file and interviews of faculty and staff revealed that the race-neutral criteria for admission to the program were applied equally, without regard to race.

For eight programs there was insufficient data available to OCR to determine compliance with Title VI. As to these programs, OCR is making no finding and is requiring additional record-keeping concerning future admissions decisions. OCR will seek to determine whether in the next three years these programs are making their admissions decisions in compliance with Title VI.

With regard to one program, the Mathematics Department, OCR found noncompliance with Title VI. As to this program, OCR is requiring both record-keeping and corrective action as to some individual applicants denied admission.

A more complete overview of the results of this investigation is stated in the remainder of this letter. A detailed discussion of the OCR findings is set forth in the enclosed Statement of Findings.[2] This letter of findings only concerns the results of OCR's investigation of the practices of the UCLA Graduate Division. It does not address the investigation of the admissions practices of the UCLA Undergraduate program, which remain under investigation at this time.

PROCEDURAL HISTORY

In 1987, reports of a growing concern about the treatment of Asian American applicants to colleges and universities came to the attention of the Department of Education. This concern was manifested in journalistic reports and letters from students, parents, and Federal and State legislative representatives. Consequently, the Office for Civil Rights asked for and received from the University of California (U.C.) Systems Office statistical reports comparing by race the rate at which applicants were admitted to the graduate and undergraduate programs of the nine universities in the UC system.

Based on differences in admission rates for white applicants and Asian American applicants. OCR decided to conduct a review of admissions practices of the graduate programs at UCLA.

This review has required a large commitment of resources by the University and OCR. UCLA's Graduate Division enrolls 15,000 students. On several occasions, representatives of OCR met with UCLA management, on the campus and at the OCR Regional Office. On three separate visits to the UCLA campus, OCR interviewed staff, Regional Office. On three separate visits to the UCLA campus, OCR interviewed staff, faculty and students and reviewed student admission files. Over 200 persons were interviewed and over 2,000 files were reviewed and analyzed.

Because of variations in how departments are organized operationally, the number of graduate "programs" in operation at UCLA may vary. Under OCR's count, in the Fall of 1988, UCLA operated 87 programs. Three of these programs were operated separately from the Graduate Division, and were not included in the system-wide statistics provided to OCR: Law, Medicine, and Dentistry. These programs were not investigated.

All applications for the other 84 programs are sent to the Graduate Division for screening. However, each graduate program has its own admissions procedures and criteria. In effect, OCR conducted 84 distinct reviews.

[1] For purposes of this investigation Asian American includes Chinese, Japanese, Korean, Phillipino, Polynesian, Thai and Other Asians. The statistics do not include East Indians and Pakistani as Asian Americans. American citizens and permanent residents are included as domestic students. Foreign students, i.e. those students in the U.S. on a student visa, are not included in this review; their entry into the University is often governed by significantly different criteria.

[2] The applicable time period covered by this investigation includes the time during which Graduate admission decisions were made for classes entering in Fall 1986, 1987 and 1988. However, as noted in each departmental discussion contained in the attached Statement of Findings, conclusions may not have been reached for each of these years. Conclusions were dependent upon whether applicant files were physically available for review.

Moreover, the admissions decision is not always made at the school or department level. For example, in the Department of Psychology, admissions decisions regarding applicants specializing in Clinical Psychology are made by a different group of faculty, using different criteria than are used for applicants specializing in Social Psychology.

OCR developed a methodology to identify those departments most likely to reveal concerns about the equal treatment of Asian applicants. Approximately half of the 84 programs (43) were eliminated because a review of the Graduate Division statistics for a three year period revealed: either very few or no Asian persons applied to the department for admission, and the data did not reveal any indicators of discrimination; or Asians were consistently admitted at a higher rate than whites, and the data did not reveal any indicators of discrimination.

All remaining departments were subject to further review.

OCR eliminated from further review another nine departments, whose data indicated no Title VI compliance problems because the following three conditions pertained simultaneously:

Data provided by the Graduate Division revealed no disparity in the rates at which Asian and white applicants were admitted.

The calculated mean undergraduate grad point average (GPA) for Asian and white applicants suggested that the rates of admissions for these two groups were appropriate.

There was no departmental statistical report available to contradict the Executive Order statistics of the Graduate Division.

Seven more departments were eliminated because two statistical patterns indicating no Title VI compliance problems existed simultaneously:

Departmental data revealed that Asian applicants were admitted at a higher rate than or the same rate as white applicants in two of the three years examined.

The calculated mean GPA for Asian and white applicants suggested that the rates of admission for these two groups were appropriate.

One department was eliminated because almost everyone who applied for admission was accepted into the program. Further, those few persons rejected appeared to be excluded on educationally justifiable grounds.

While engaged in the process described above, OCR became acquainted with additional specialty areas or programs with separate admissions criteria and procedures. The following is a list of the 35 separate admissions specialty areas investigated in the next phase of OCR's compliance review.

Architecture and Urban Planning (two specialties).
Biological Chemistry.
Chemistry and Biochemistry (two specialties).
Engineering (fourteen specialties).
Experimental Pathology.
Linguistics.
Management.
Mathematics.
Molecular Biology.
Pharmacology.
Philosophy.
Physiology.
Political Science.
Public Health (seven specialties).

OCR investigated the admissions practices of each of these programs. Although, the Graduate Division had provided some statistics for each Department, most Schools or Departments had summary reports or computerized data of their own regarding applicants for admission. Typically, these were separated by the specialty area for which admissions decisions were made. During the file review, OCR verified and/or collected additional statistical information. UCLA, in response to a written request from OCR, submitted a written description of the admissions process and criteria used for each School and Department reviewed during the on-site. In addition, OCR conducted interviews with staff and faculty who developed and applied the criteria and process used in making admissions decisions. This was done to better understand the written description, to supplement the written description, and to identify any criteria that weighed more heavily than others.

OCR then examined files of successful and unsuccessful Asian and white applicants for admission. OCR considered whether there was information in the files that corroborated the descriptions of the admissions criteria and procedures provided by the UCLA written submissions to OCR and in the interviews. Most important, OCR also considered whether the procedures and the criteria for admission were applied in a nondiscriminatory manner for Asian and white applicants.

These actions concluded OCR's data collection process. The next step in the compliance review was to examine the accumulated information under the requirements of Title VI.

LEGAL STANDARD

The Title VI regulation at 34 C.F.R. §100.3(b) prohibits certain discriminatory acts including treating individuals differently on the basis of race or national origin in determining whether he/she satisfies the admissions requirements of a recipient. This section also prohibits denying an individual a "service or benefit" under a program of the recipient on the basis of race or national origin. The regulation further states that a recipient may not utilize criteria or "methods of administration" that have the effect of subjecting individuals to discrimination on any of these bases.

To apply these regulations in the review of admissions decisions, OCR relies on two legal standards. First, OCR will examine whether the recipient discriminates against members of a particular racial or national origin group, such as Asians, by treating them differently. Second, OCR will investigate whether facially neutral admissions criteria used by the recipient have a disparate impact on applicants who are members of a particular racial or national origin group. If a disparate impact is identified, OCR will investigate whether the criterion is educationally justifiable. Both investigative approaches provide deference to the academic expertise of the faculty to establish criteria for admission.

In this case, OCR relied on the first standard and investigated whether Asian applicants were treated the same as similarly situated white applicants. OCR determined whether each graduate program imposed its own standards in a way that was consistent, without regard to race. Where a decision was not explained by admissions criteria, justifications were sought from UCLA faculty and staff. In turn, these justifications were tested by seeing if they were related to the established admissions criteria and used equally for the admissions decisions made for both white and Asian applicants.

ANALYSIS AND CONCLUSIONS

No violation

As to all but nine programs OCR found that the preponderance of the evidence did not support a violation of Title VI. OCR found that equally qualified Asian and white applicants were treated the same. This conclusion in some instances was based primarily on statistical analysis. However, in many cases it was based on a review of applicant files and a determination that the program either adhered to its articulated nondiscriminatory criteria or deviated from these criteria, on an equal basis, without regard to race.

Insufficient data

For eight programs there was insufficient data available to OCR to explain, based on the program's stated criteria, the admissions decisions of the program. As to these programs, OCR is making no finding and is requiring additional record-keeping concerning future admissions decisions. OCR will monitor these programs annually for the next three years and will determine whether these programs have made their admissions decisions in compliance with Title VI. The programs included under these requirements are:

The M.B.A. program of the Anderson School of Management;
The Artificial Intelligence program of the Computer Science Department;
The Programming Languages and Systems (Software Systems) program of the Computer Science Department;
The Circuits and Signal Processing program of the Electrical Engineering Department;
The Philosophy Department;
The Biological Chemistry Department;
The Health Services Administration program of the School of Public Health; and
The Masters of Architecture I program of the Architecture and Urban Design Department.

The details about each of these departments vary widely. In general, the differences in admission rates of Asian and white applicants in each of these programs were not explained by the information provided by UCLA. On the other hand, information available on the admission decisions of these departments was insufficient to indicate that Asian applicants were treated differently than white applicants. Therefore OCR was unable to reach a conclusion as to compliance with Title VI. Because of these circumstances, under 34 C.F.R. §100.6(b), in general, the eight programs will be required to maintain data concerning applicants for admissions for the Fall of 1991 through 1993, as follows:

Prior to the beginning of each admissions season, the program will state in writing its admission criteria.

As to each U.S. citizen or permanent resident alien submitting a complete application, the program will list the name (or other identifier), race, national origin, sex, undergraduate GPA, Graduate Record Exam scores (if used), the undergraduate institution, and whether the person was offered admission.

As to each person denied admission, the program will state the reason the applicant was rejected.

As to each person admitted on a basis independent of or inconsistent with the written criteria, the program will state the reason for admitting the applicant.

The program will maintain the complete applicant file for each applicant for admission until the OCR review process is completed.

Violation

Based upon the statistics provided by the Mathematics Department, OCR found that a

disparity existed between the rates at which Asian applicants were admitted into the Mathematics program when compared to the rates for white applicants in 1987 and 1988. White applicants were admitted at higher rates and the differences in rates were statistically significant for both years. Because of these significant disparities, a file review was conducted to determine whether the reasons for these differences in admission rates were due to discrimination on the basis of race.

Using the Math Department's five-point rating system (5 = best qualified; 0 = unqualified), OCR selected for review several files of Asian and white applicants for the two years in question. OCR could not discern a consistent basis for the admissions decisions nor could it conclude that the Department adhered to its stated admissions policies, practices and criteria in making its admissions decisions.

The file review revealed that the Mathematics Department deviated from its initial evaluation rating system when deciding whether an applicant was to be admitted. This deviation occurred most often to the disadvantage of Asian applicants. As explained by representatives of the Mathematics Department, an evaluation rating of 3.0 or above meant that an applicant should be admitted into the program. In 1987, three white applicants were accepted with an evaluation less than 3.0; no Asian applicant was admitted. Yet, three of the Asian applicants rejected were rated between 2.9 and 3.0, and a total of six Asian applicants were rated the same as or better than the lowest rated of the admitted white applicants. For Fall 1988, six white applicants were accepted with less than a 3.0, while one Asian applicant was accepted with less than a 3.0. OCR found that out of 112 white applicants, 5 were denied admission with a 3.0 or above and 6 out of 27 Asian applicants similarly were denied admission. Thus the deviation from the stated rating system appeared to disadvantaged Asian applicants more frequently than white applicants.

At this stage in the investigation of the Mathematics Department, the evidence showed a statistically significant disparity in the rates of admission on the basis of race, an apparent inconsistency as to how Asian and white applicants who received the same evaluation ratings were treated and insufficient information to suggest a nondiscriminatory basis for this apparent pattern. Therefore we sought to obtain more information from the Department that might dispel the discriminatory implications of the information collected by OCR. We submitted the names of 24 white applicants and 15 Asians for further explanation by the Department. Most of the white applicants had been accepted for admission to the Department. Most of the Asian applicants had been denied admission. These 39 persons had received ratings within the same general range.

In response to a request for an explanation concerning 39 of its admissions decisions for Fall 1988 and 1987, the written statement prepared by the Department provided reasons for 34 of the decisions.[3] The reasons provided by the Department explained these decisions based on the application of the Department's stated criteria. However, for several cases, the Department provided explanations for its decisions that took into account factors that did not appear in the admissions criteria as explained by the Department to OCR up to that point in the investigation. Two of the main reasons provided by the Department to explain the admission decisions were related to financial support. One reason specifically concerned the ability of an applicant to support her/himself through graduate school and the other concerned the state residency status of an applicant.

After reviewing the rationale provided by the Mathematics Department for its treatment of the 34 applicants, OCR was convinced that the justification for some persons was nondiscriminatory. But, as to Asians as a class, the rationale was not sufficient to dispel the discriminatory implication of the previously identified statistical pattern and examples of inconsistent treatment. The Department's rationale was not sufficient because some of the criteria used appeared to be developed after the admissions decisions were made, were not internally consistent or logical, and were not applied evenly to Asian and white applicants. Most significantly, the two factors cited by the Department (support and state of residence) appeared to be used only as a boost for white applicants and not for Asians. Thus, several Asians, who were California residents, were denied admission even though they were as qualified as admitted white applicants.

In a meeting of September 11, 1990, the Department repudiated its own written rationale for the 34 admissions decisions and provided what was, to a significant degree, a new rationale which expanded the admissions criteria initially submitted by the Department. At the meeting, UCLA asserted that the Vice-Chair of the Department made the decision to admit or reject an applicant independent of the evaluations of his colleagues and that the Department preferred individuals who stated an interest in applied mathematics as it was easier to obtain financial support for such persons. Several of the additional factors explained to OCR were that applicants to the statistics program were admitted under entirely separate criteria, that females received a limited "boost," that the standards for admitting Masters applicants were lower than the standards for Ph.D. candidates, and that persons employed by certain local defense contractors were admitted almost automatically.

OCR found that within the admissions process there was a critical area where the greatest degree of discretion existed. This area was defined by students who received evaluation scores somewhat above or below 3.0. It was in this area that certain special factors such as field of interest and gender had their greatest effect. However, our examination of the files revealed that these factors were not evenly applied on the basis of race. For example, there were multiple instances of white females within this critical area receiving a gender-based boost. However, similarly-situated Asian females did not receive the same degree of enhancement. Another example concerns the degree to which a stated interest in applied mathematics enhanced an applicant's competitive position. White applicants interested in applied mathematics with evaluation scores as low as 2.43 were admitted, in effect jumping over many more qualified whites and Asians. However, an Asian interested in applied mathematics with a comparable evaluation score was not similar advanced.

OCR determined that the Mathematics Department deviated from its originally articulated process. Thus, not all the admissions decisions made by the Department were explained by the Department's initial description. OCR further determined that the deviation appeared to be race-related. The Department provided second and third sets of rationales to explain an apparent inequity in the treatment of Asian and white applicants. The second rationale was abandoned. The third rationale was not adequate to fully explain all the apparent inequities. Accepting this rationale as the basis for the Mathematics Department's decision, OCR has identified five rejected Asian applicants who, if provided equal treatment, should have been accepted. Therefore, OCR finds that UCLA has discriminated against Asian applicants in violation of Title VI of the Civil Rights Act of 1964.

VOLUNTARY COMPLIANCE

During the week of September 10, 1990, I communicated with the Vice Chancellor for Student Affairs, Winston C. Doby, concerning voluntary resolution of this matter. He was advised of OCR's anticipated findings as well as proposed terms of settlement. During the week of September 17, Vice Chancellor Doby explained to me that UCLA would not enter into a voluntary compliance agreement of the nature proposed by OCR. Therefore, this matter remains unresolved.

OCR ENFORCEMENT AUTHORITY

OCR is required by Title VI to resolve this matter promptly. OCR remains prepared to discuss with UCLA any proposals for remedial action in this matter. However, if a voluntary settlement agreement cannot be reached in the very near future, it is my obligation to recommend to the Assistant Secretary for Civil Rights that an enforcement proceeding be commenced.

OCR wishes to advise you that when violations of Title VI are established, the implementing regulation authorizes this agency to seek an order terminating the Federal financial assistance received by UCLA or to obtain compliance through "other means authorized by law," which include possible referral of the matter to the U.S. Department of Justice.

The procedures employed for a termination of Federal financial assistance are described in 34 C.F.R. §§100.8–.11 and 34 C.F.R. Part 101. In general, the procedures call for notice and an administrative hearing with certain appeal rights, including judicial review, as provided for in Section 603 of the Civil Rights Act of 1964.

This Letter of Findings is not intended nor should it be construed to cover any issues of compliance with Title VI that may exist but are not specifically discussed herein. Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event OCR receives such a request, it will protect, to the extent provided by law, other personal information which, if released, would constitute an unwarranted invasion of privacy.

If you have any questions regarding these findings, please contact me at (415) 556–7000.

Sincerely,

JOHN E. PALOMINO,
Regional Civil Rights Director.

[3] At the time of the reply, the files of three Asian applicants were missing. These files were subsequently located. One Asian and one white applicant proved inappropriate for consideration. The Asian was a foreign student. The white candidate was, in fact, Hispanic.

HONORING PETER CHIMERA'S 15TH YEAR AT A WAY OUT, INC.

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ACKERMAN. Mr. Speaker, I rise to bring to the attention of my colleagues in the House of Representatives, a very special occasion. On February 19, 1992, A Way Out, Inc., a drug-abuse prevention and treatment program in Queens County, will honor its president, Peter Chimera. Founded 15 years ago by Mr. Chimera, this important and effective program has grown from 6 persons to a staff of over 50 people. These dedicated professionals, under the guidance and direction of Mr. Chimera, serve to help people who were addicted to drugs live drug free and production lives.

Peter Chimera's leadership and vision have led him to help in forming national and statewide associations in the field. He is an active member in the New York State Association of Substance Abuse Programs, helped found and is currently acting as treasurer of the Coalition for Community Services, is a member of the Coalition for Drug Abuse and is a member of Therapeutic Communities of America.

He has long shown his untiring devotion to helping people address the issues in their lives that have brought them to drug addiction. His commitment, dedication, and inspiration deserve our respect and thanks. He is one of those rare people who affects all of us by enriching society at large by returning our lost children to us as drug-free citizens—ready to contribute to the American way of life.

I ask that my colleagues recognize the important work of this remarkable individual and congratulate him on this important occasion.

AMERICA WEST AND FAIR COMPETITION

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. RHODES. Mr. Speaker and colleagues, two pieces of legislation currently before the Congress would go a long way in removing anticompetitive barriers within the deregulated airline industry, and assist the financial viability of the smaller airlines struggling to compete. It is in the country's interest, and in the consumer's economic interest, that competition in the airline industry be as strong as possible. It will be if the playing field is fair. Right now, it is not.

One of the bills is H.R. 2037, the Airline Competition and Passenger Protection Act. This legislation addresses several anticompetitive constraints in the airline industry, including problems with certain computer reservation systems, and the availability of and access to airport slots. The other bill, H.R. 585, would repeal the so-called Wright amendment to allow full and direct carrier access to Love Field in Texas. These and other barriers to open competition must be removed to allow struggling carriers to compete fairly in the deregulated airline marketplace.

Earlier this month, Ed Beauvais, chairman and CEO of America West Airlines, based in Phoenix, AZ, wrote in the Wall Street Journal a more detailed and eloquent exposition of these issues. His writing, which follows, is further testament to the need to pass legislation that will at last allow fair and open competition in the airline industry for the benefit of the traveling public, local economies, and the thousands of jobs the industry provides.

[From the Wall Street Journal, Feb. 4, 1992]

FOR COMPETITION IN THE AIR BRING BACK ANTITRUST

(By Edward R. Beauvais)

Last week's bankruptcy of TranWorld Airlines demonstrates the equal bankruptcy of the Reagan and Bush administration's relaxation of antitrust laws, particularly for commercial aviation. The policy was supposed to promote productivity and employment growth. Instead it has provided fertile ground for the formation of oligopolies and even monopolies.

When Congress deregulated the airline industry in 1978, it permitted the 23 U.S. carriers that had been subject to the previously existing regulatory regime to fly wherever they chose and to price however they liked. Within six years, the 23 were joined by three intrastate airlines and 14 startups of significant size. The industry had doubled in size to 40 carriers and had created 250,000 jobs.

Airline deregulation had been premised on the theory that significant barriers to entry did not exist in the industry and thus, little or no government involvement was required to assure a competitive environment. Unfortunately, since the advent of deregulation, three daunting competitive barriers have emerged: dominance of computer reservation systems by the very largest carriers, frequent flyer programs and unfair allocation of landing rights at capacity-controlled airports.

The adverse competitive effects of these barriers were exacerbated in the mid-1980s when the airline merger and acquisition binge began. (It is interesting to note that every merger or acquisition presented to the U.S. Department of Transportation for consideration during this period was approved.) These, not surprisingly, produced an oligopoly of mega-carriers in the U.S.

The result: More than 150,000 airline industry employees have lost their jobs since 1988. The number of airlines in operation today has dwindled to 10 and three of those are operating in bankruptcy—including ours. Of the 14 airlines that have started up since 1978, only America West is still flying.

The comment most frequently heard from so-called experts is that it would be OK if the industry shrunk to just three airlines. It would still be competitive, we are told. Solid evidence exists, however, that the three "chosen" carriers do not compete vigorously with each other even today. If they alone survive, it is unreasonable to believe that they would suddenly become more competitive.

No airline has ceased operation believing that it had a great or promising future. They sold out or threw in the towel because they saw the light at the end of the tunnel, and it was red; they would never be able to compete in a marketplace dominated by such significant barriers.

If competitiveness is to be restored to the airline industry, federal antitrust laws and certain regulations must be enforced and several immediate actions must be taken:

American Airlines and United Airlines, the two larger carriers, must be forced to divest their computer reservation systems. These systems are truly the 800-pound gorillas of the industry. Between 70% and 80% of all airline reservations are made by these systems. Several objective studies have proven conclusively that the carriers enjoy a huge market share and economic advantage due to their ownership of the reservation systems.

Airport market access, which was the promise of the Airline Deregulation Act, must become a reality. The act and its promise wee negated because economic policy suddenly allowed the existing carriers to own, at no cost, arrival and departure slots at capacity-constrained airports where no new operations are feasible and that trade at such high prices that only the mega-carriers can afford to buy them.

Changes must be made in the frequent flyer programs. These are on the verge of becoming serious competitive barriers if they have not already achieved such status.

The Wright Amendment, which established and preserves Southwest Airlines monopoly at Dallas's Love Field, must be rescinded by Congress. It's a flagrant violation of all free enterprise fundamentals.

The success of the U.S. economy is in large measure the result of the willingness of the federal government to assure a fully functioning marketplace. This was the primary reason that the antitrust laws were established when the country was faced with abuse of monopoly power in the 1890s, and that regulation followed the manipulation of the financial markets in the 1920s.

It has been the abandonment of that role by the federal government over the past 15 years that has led to a serious deterioration in the quality of goods and services produced in the U.S.

If this situation is not reversed, key industries will again be dominated by a few monopolies. The antitrust laws are designed to protect the competitive integrity of every U.S. industry. They remove restraints of trade and barriers to entry. This in turn, encourages new entries, entrepreneurial innovation and the creation of new jobs.

If we want the economy to recover, we must return to the basics. We must remove the barriers preventing the creation of new jobs.

AZERBAIJANI VIOLENCE AGAINST ARMENIANS HAS ESCALATED

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. OWENS of Utah. Mr. Speaker, Azerbaijani violence against Armenians has escalated. Yesterday, Azeri forces launched a prolonged missile attack against Stepanakert, the capital city of Nagorno-Karabakh. Firing GRAD multiple launch rockets, over 240 missiles rained down on the capital, killing more than 20 civilians, wounding many more, and damaging government buildings and civilian homes.

Tragically, the escalation of the violence is hardly a surprise. But what must come as a surprise to the innocent targets of Azeri aggression—the men, women, and children of Nagorno-Karabakh—the United States has decided to establish diplomatic relations with Azerbaijan.

The State Department argues that by establishing diplomatic relations with Azerbaijan, the United States will be in a better position to influence Azeri behavior.

Some influence. The day after Azeri forces intensify their indiscriminate shelling of civilian targets, Azerbaijan is rewarded with diplomatic ties and the hope of even closer relations with Washington.

Last December, Secretary Baker announced tough conditions for recognition and diplomatic relations, and he has since accepted Azeri assurances. Azerbaijan may have said the right words, but their deeds are killing people and causing hardship.

SUPPORT FOR LEGISLATION TO NAME COURTHOUSE IN HONOR OF PRESIDENT RONALD REAGAN

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. PACKARD. Mr. Speaker, I rise in support of the bill introduced by my colleague from California, CHRISTOPHER COX, which seeks to name the new Orange County courthouse in honor of President Ronald Reagan.

As a Representative of Orange County, and a proud American, I believe that it would be a tribute to both Mr. Reagan as well as the residents of Orange County to do so.

It was our 40th President who proclaimed that;

> America is back, a giant, powerful in its renewed spirit, its growing economy, powerful in its ability to defend itself and secure the peace, and powerful in its ability to build a new future. [This] is not debatable.

And by ushering this renewed spirit, President Reagan led this country through the longest period of peacetime economic expansion. This is a fitting salute to a man whose vision and convictions changed America's course for the better, and made Americans believe in themselves again.

Reagan reoriented our defense policy to reflect his belief that peace could be achieved through strength. The fall of the Berlin Wall and the collapse of communism in the former Soviet Union are a part of the Reagan legacy.

Also a part of this great President's legacy was his conviction that a government big enough to give everything to you, was a government big enough to take everything away. His principles were economic and social self-determination. That is why he cut personal tax rates by 25 percent; to restore economic freedom to the families of America, instead of feeding their hard-earned tax dollars to that insatiable beast, the Federal Government.

I urge my colleagues to support this measure to name the new Orange County courthouse after one of our greatest Presidents: Ronald Reagan.

PODBERESKY VERSUS KIRWAN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ROHRABACHER. Mr. Speaker, on January 31, 1992, the U.S. Court of Appeals for the Fourth Circuit issued a most important decision in Podberesky versus Kirwan, a case concerning the administration by the University of Maryland at College Park of a program of race specific scholarships. The circuit court reversed and remanded a Federal district court decision allowing the race specific scholarship program to stand.

The circuit court, in a unanimous decision, found that the necessary finding of current effects of past discrimination had not been made by the trial court nor was there any such evidence in the appeals record, and that absent such evidence, a race specific scholarship program violated the rights of the plaintiff who was not a member of the advantaged race.

The court said: "Accordingly, we hereby reverse the grant of summary judgment and remand this action to the district court for a determination as to the present effects of past discrimination at UMCP. Should no further evidence be available upon remand, summary judgment for appellant would be appropriate."

This decision is, according to press reports, the first time a circuit court has decided a case concerning the constitutionality of race specific scholarships. It is a signal that race restricted programs are not to be allowed unless they are narrowly tailored to remedy specific present effects of past discrimination.

Although this case involved a scholarship program, it has significant implications for race specific admissions programs. Clearly it is impossible to apply this standard to scholarships and not apply it to college and university admissions policies and practices.

I insert at this point in the RECORD the decision of the U.S. Circuit Court of Appeals for the Fourth Circuit.

[U.S. Court of Appeals for the Fourth Circuit, No. 91-2577]

DECISION

(DANIEL J. PODBERESKY, *Plaintiff-Appellant*, v. WILLIAM E. KIRWAN, President of the University of Maryland at College Park; UNIVERSITY OF MARYLAND, at College Park, *Defendants-Appellees*, STATE OF OHIO; STATE OF IDAHO; STATE OF ILLINOIS; STATE OF SOUTH DAKOTA; STATE OF VERMONT, STATE OF VIRGINIA; STATE OF WEST VIRGINIA; NAACP LEGAL DEFENSE AND EDUCATION FUND, INC., *Amici Curiae*.)

Appeal from the United States District Court for the District of Maryland at Baltimore. J. Frederick Motz, District Judge. (CA-90-1685-JFM)

Argued: October 31, 1991.

Decided: January 31, 1992.

Before Widener and Hamilton, Circuit Judges, and Restani, Judge, United States Court of International Trade, sitting by designation.

Reversed and remanded by published opinion, Judge Restani wrote the opinion, in which Judge Widener and Judge Hamilton joined.

OPINION

Restani, Judge:

Appellant, Daniel J. Podberesky, appeals from a grant of summary judgment entered on May 15, 1991. Appellees are the president of the University of Maryland at College Park ("UMCP") and UMCP itself, which maintains a race-based scholarship program from which appellant was excluded. Appellant sued for injunctive, declaratory and compensatory relief alleging violations of his rights under the Fourteenth Amendment and 42 U.S.C. §§1981, 1983 and 2000d *et seq.*

Background

Appellant is a nineteen year old Hispanic male who was admitted to UMCP in the fall of 1989. As an applicant to UMCP, appellant had an excellent academic record: his Scholastic Aptitude Test score was 1340, out of a possible 1600; his grade point average as calculated by his high school was over 4.0 (as calculated by UMCP, his grade point average was 3.56), and he actively participated in several extracurricular activities.

Along with this application to UMCP, the appellant requested that he be considered for an academic scholarship.[1] UMCP maintains several scholarship programs, one of which is the Benjamin Banneker Scholarship Program ("Banneker Program" or "Banneker Scholarship"), a scholarship program not based on need, under which a minimum of twenty scholarships are awarded each year. UMCP established the Banneker Program in 1978; however, for the first decade of its existence it was limited in scope. Originally, the program provided two-year scholarships with stipends of $1,000 per year. In approximately 1985, the program was expanded to four-year scholarships. In 1988, the amount of the scholarship was increased to full in-state tuition or cost-of-state tuition, plus room, board and mandatory fees, worth in excess of $33,500 over the four years.

At the time appellant applied for the Banneker Scholarship, the minimum requirements for further consideration under the Banneker Program were a 900 Scholastic Achievement Test score and a 3.0 grade point average. Only students of African-American heritage are considered for the Banneker Scholarship.[2] Appellant's credentials exceed those required for further consideration under the Banneker Program; nevertheless, appellant was not considered for this scholarship because he was not of African-American heritage.

The Banekker Program was intended as a partial remedy for past discriminatory ac-

[1] It should be noted that the race-based classification at issue relates to the non-need-based scholarship program voluntarily established by appellee. Thus, this situation is distinguishable from *Ayers v. Allain*, 914 F.2d 678 (5th Cir. 1990) (*en banc*), *cert. granted sub nom. United States v. Mabus*, 111 S.Ct. 1579 (1991), in which black citizens sought mandatory remedies for alleged vestiges of prior discrimination in various components of higher education in Mississippi including "student admissions standards and enrollment, university staff composition, institutional mission, provision and maintenance facilities, allocation of financial resources, curricular offerings and placement of programs, operations of branch programs, allocation of land grant functions, and the composition of the Board of Trustees and its staff." *Id.* at 678.

[2] Applicants not meeting this last criterion are still eligible to compete for the other merit-based, academic scholarship, the Francis Scott Key Scholar Program ("Key Program"). The Key Program provides benefits identical to those given under the Banneker Program to approximately 53 students. In order to be considered further under the Key Program, an applicant must have a "predictive index" of 60. This index is calculated by reference to the Scholastic Aptitude Test score and grade point average. Appellant's predictive index was 59; therefore, he was not entitled to further consideration for a Key scholarship.

tion by the State of Maryland. For many years the State of Maryland maintained a system of higher education consisting of separate racially-segregated institutions.[3] After *Brown v. Board of Education*, 347 U.S. 483 (1954), Congress enacted Title VI of the Civil Rights Act of 1964 which forbids federal fund recipients from discriminating in any manner on the basis of race, color, or national origin. 42 U.S.C. §2000d *et seq.* (1964). In 1969, the Office for Civil Rights ("OCR") of the Department of Health, Education, and Welfare (now the Department of Education) notified Maryland that its higher education system was still segregated in violation of Title VI. If OCR is unable to obtain compliance with Title VI, it is authorized to initiate formal administrative proceedings against the offending institution. OCR has never initiated formal proceedings against UMCP.

Between 1969 and 1974, Maryland submitted three desegregation plans to OCR. After rejecting the first two, OCR accepted the third plan in 1974. In 1975, the Acting Director of OCR informed the state that it was still in violation of Title VI. In 1978, OCR published new guidelines which set forth criteria required for preparation of acceptable plans for post secondary public education.

In 1980, Maryland adopted the Equal Educational Opportunity Plan for 1980–1985 ("1980–85 Plan"), in which it attempted to meet the requirements of the 1978 guidelines. The 1980–85 Plan contained many goals, one of which was a freshmen class at UMCP that included between ten to twelve percent black students by the year 1985. The Banneker Program was not mentioned in this plan. In May 1985, UMCP specifically mentioned the Banneker Program to OCR when it submitted a "Black Undergraduate Recruitment Program." In June 1985, the State adopted the Plan to Assure Equal Post Secondary Educational Opportunity 1985–89 ("1985–89 Plan"). In this plan, Maryland established a goal of fourteen percent black freshmen at UMCP by the year 1989. No mention was made of the Banneker Program.

In its comments to the 1985–89 Plan, OCR noted that UMCP presented "a detailed discussion of recruitment measures which include listings of recruitment tools, outreach strategies, on-campus programs, summer programs, activities to attract prospective black applicants, recruitment visitors and follow-up procedures." Appendix ("App.") at 310. OCR, however, did not directly acknowledge the Banneker Program. In 1987, UMCP submitted a revised "Black Undergraduate Recruitment Program" in which it listed the Banneker Program as an example of the expanded merit-based financial aid for minority students.

OCR is currently visiting public institutions of post secondary education to determine the progress made under the 1985–89 Plan. Maryland states that it will continue to follow the goals set forth in the 1985–89 Plan until a new one is developed. Accordingly, UMCP plans to continue offering the Banneker scholarships to black freshmen.

Discussion

We review a decision granting summary judgment de novo. See e.g. Miller v. Federal Deposit Ins. Corp., 906 F.2d 972, 974 (4th Cir. 1990).

The trial court correctly found that the Banneker Program should be examined in light of the equal protection clause of the Fourteenth Amendment and subjected to a strict scrutiny test. To survive strict scrutiny, as the trial judge noted, an affirmative action plan must serve "a compelling governmental interest" and be "narrowly tailored to the achievement of that goal." App. at 158 (citing Wygant v. Jackson Bd. of Educ., 476 U.S. 267, 274 (Powell, J.) (1986)).

In Wygant, the Supreme Court held that "societal discrimination" was a concept too amorphous in nature to supply the justification for a race-conscious classification. Id. at 276 (plurality opinion). Because of the danger of stigmatic harm, classifications based on race, understandably, must be reserved for remedial settings. City of Richmond v. J.A. Croson Co., 488 U.A. 469, 493–94 (1989).

At issue in *Croson* was a plan adopted by the City of Richmond requiring general contractors who were awarded city construction contracts to subcontract at least thirty percent of the total dollar amount of each subcontract to a "Minority Business Enterprise," a business at least fifty-one percent owned and controlled by individuals of certain specified racial and ethnic minorities. The Court found that the city had failed to demonstrate a compelling governmental interest which justified the plan. Id. at 505. Finding it significant that the city was unable to point to any identified discrimination in the Richmond construction industry, the Court rejected Richmond's claim that past discrimination could justify racial setasides. Id. at 505–06. The Court emphasized that Richmond must have a "strong basis in evidence for its conclusion that remedial action . . . [is] necessary." Id. at 500 (quoting *Wygant*, 476 U.S. at 277).

Classification based upon race must be justified by specific judicial, legislative, or administrative findings of past discrimination, Id. at 497 (quoting *University of California Regents* v. *Bakke*, 438 U.S. 265, 307 (1978)). It is the state that must show the existence of prior discrimination, and a strong evidentiary basis for concluding that remedial action is necessary. Id. at 500.

The district court stated that "[t]he question . . . [is] whether UMCP has demonstrated with sufficient particularity that it has a history of racial discrimination which can justify the Banneker Program's existence." App. at 160. In answering this question, the court found OCR's administrative "findings" concerning the noncompliance of Maryland with Title VI demonstrated past discrimination.[4] The court rejected appellant's view that a formal court or administrative agency finding of noncomplinace was necessary in order to satisfy the evidentiary standard in *Croson*, 488 U.S. 469, finding that *Croson*'s "strong basis in evidence" was satisfied in this case.[5]

Once a court has determined that a state has proceeded upon strong evidence of discrimination in other than the immediate past, the inquiry into the legitimacy of a race-based classification turns to the state's basis for finding continuing effects of such past discrimination. In BAKKE, a case involving explicit racial classifications in the admissions process of a graduate school, the Supreme Court stated that "[t]he State certainly has a legitimate and substantial interest in ameliorating, or eliminating where feasible, the *disabling effects* of identified discrimination." *Bakke*, 438 U.S. at 307 (emphasis added). By focusing the inquiry on the present-day effects, the Court limited the race-based action to redressing the present continuing manifestations of past discrimination. In *Wygant*, the Court continued to emphasize that the legitimate objective behind such affirmative action policies is to remedy "the *present effects* of past discrimination." *Wygant*, 476 U.S. at 280 (emphasis added)(quoting *Fullilove v. Klutznick*, 448 U.S. 448, 480 (1980) (opinion of Burger, C.J.)).

In *Croson*, the Court stated that "if the city could show that it had essentially become a "passive participant" in a system of racial exclusion practiced by elements of the local construction industry, we think it clear that the city could take affirmative steps to dismantle such a system." *Croson*, 488 U.S. at 492. Thus, *Croson* indicates that race-based action may be legitimate governmental action if it is designed to "dismantle" or remedy discriminatory aspects of a system. The Court obviously intended that for a program to withstand scrutiny, there must be some discriminatory effect which could be the subject of present remediation.

Although it recognized that the program could not withstand scrutiny unless the state could cite present effects of past discrimination, the district court wavered at this point. The court began its analysis of present effects by observing that there was "some evidence" that there were *no present effects* of past Title VI violations at UMCP. Specifically, the court noted that in 1989, UMCP exceeded its goal for recruiting black freshmen, and nearly met its goal for retention of black undergraduates. The record before this court indicates that during the academic years 1989 and 1990, more than fifteen percent of the incoming freshmen class was black.

Moreover, the court observed that the President of UMCP testified that, with regard to admission and financial aid, UMCP had not discriminated against blacks for many years. Although the President of UMCP referred to the "lingering effects of historic discrimination" in his deposition, app. at 453, he did not explain what he meant. As indicated in *Croson*, general societal harm is insufficient.

The district court concluded that the effects of longstanding discrimination were so pervasive that it was "premature to find that there are no present effects of past discrimination at the institution." *Id.* at 167A. Later, the district court referred to the "now-dormant specter of past discrimination," *Id.* Based upon this language, it ap-

[3] Specifically, black residents of Maryland were limited to attending one of the four "black colleges" in the state: Bowie State, Coppin State, Morgan State, and University of Maryland Eastern Shore.

[4] In the amicus brief of the State of Ohio, et al., it is argued that a state has a compelling interest in the promotion of racial diversity that would support the Benneker Program. The district court did not cite the need for diversity as a basis for this program, and it does not appear that UMCP established the Banneker Program with this goal in mind. Moreover, in *University of California Regents* v. *Bakke*, 438 U.S. 265 (1978), the Court stated that

"The diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Petitioner's special admissions program [a set-aside number of places for certain minorities], focused *solely* on ethnic diversity, would hinder rather than further attainment of genuine diversity."

Id. at 315 (emphasis in original). In this case, the scholarship funds are set aside for black students only and ethnic diversity does not appear to be the real interest behind the program.

[5] Stating that "[i]f ever there was an administrative record demonstrating past discrimination, this is it," app. at 161A, the court found that OCR's findings, together with continuing OCR review of UMCP's desegregation efforts, were sufficient to demonstrate a past history of discrimination. The court stated that even if no federal officer knew about or approved of the Banneker Program, it was "largely irrelevant." The court went on to find however, that the fact that OCR reviewed and revised the recruitment plan submitted by UMCP indicated that OCR knew about the Banneker Program.

pears that the district court, although recognizing the need to identify some present effect of past discrimination, failed to make a specific finding of such present effect. Rather, it merely found that it would be prudent to keep the race-exclusionary scholarship in place at least until OCR concluded its investigation of UMCP.[6] While this might be perceived as fair to UMCP, it does not satisfy constitutional standards. As indicated earlier, in order to justify a race-based remedy in a case where identifiable discrimination occurred a number of years in the past, a finding of such past discrimination is not sufficient. There must be some present effect of this past discrimination that the program is designed to redress.

Conclusion

In determining whether a voluntary race-based affirmative action program withstands scrutiny, one cannot simply look at the numbers reflecting enrollment of black students and conclude that the higher educational facilities are desegregated and race-neutral or vice versa. It may very well be, given the complexities of institutions of higher education and the limited record on appeal, that information exists which provides evidence of present effects of past discrimination at UMCP, but no such evidence was brought to our attention nor is it part of the record. The Supreme Court has declared that in some situations the State may enact a race-exclusionary remedy in an attempt to eliminate the effects of past discrimination. The proper focus at this stage is whether present effects of past discrimination exist and whether the remedy is a narrowly tailored response to such effects.[7]

Judgment for appellees must be based on facts which show that vestiges of past discrimination existed, which made the 1988-90 form of the Banneker Program a legitimate, constitutional remedy on or about the time appellant was denied the opportunity to compete for the scholarship. Accordingly, we hereby reverse the grant of summary judgment and remand this action to the district court for a determination as to the present effects of past discrimination at UMCP. Should no further evidence be available upon remand, summary judgment for appellant would be appropriate.

Reversed and remanded.

HONORING RICHARD PRUSS' 50TH BIRTHDAY AND 25TH YEAR AT SAMARITAN VILLAGE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ACKERMAN. Mr. Speaker, I rise to call the attention of my colleagues to the accomplishments of a truly remarkable person.

Richard Pruss not only believes in the ability of people to overcome the obstacles that face them, but believes he has found ways to help people accomplish their goals. I too believe he has.

Richard Pruss is the vision and the guiding force behind Samaritan Village. Headquartered in my district, Samaritan Village is the oldest and the largest residential substance abuse treatment program in Queens County and the third largest program in the United States. Yet many people have not heard much about Samaritan Village, or about Richard Pruss. Perhaps that is because Samaritan Village is so much a part of Richard Pruss that they both concentrate more on service to the community and the Nation at large than on self-aggrandizement or public acknowledgement.

Samaritan Village has helped tens of thousands of people to live drug-free lives. The therapeutic community concepts that Richard Pruss brought to and helped implement at Samaritan Village allow people to address all of the issues in their life that have brought them to drug addiction—ranging from childhood abuse to illiteracy and from learning disabilities to poverty. Most of the people who have entered Samaritan Village are hard-core drug abusers who lack basic educational and vocation skills and can't function within society. Falling between the cracks, they fail to get the support and direction they need from family, friends or the school system, and so they end up trying to escape from a world they feel they have no place in. They end up drug addicts—then they end up at Samaritan Village.

The family of Samaritan Village becomes a second family that stresses honesty and confrontation as means of identifying and dealing with the issues that have brought people to addiction. After months, stretching into years, they leave Samaritan Village with new values: They're willing to work hard and earn money they used to steal; they're ready to live up to responsibilities they used to disregard; they're prepared to hold a job and contribute to society instead of tearing away at the fabric of our neighborhoods; and most important of all—they're ready to start giving back to the community that has given them so much.

Samaritan Village works. Their war on drugs is waged with time-tested principles that have been proven again and again to be the effective way to change the course of addiction.

It works, because Richard Pruss believes that people have the capacity to change their behavior/and because Richard Pruss empowers them to do just that. He is a tireless advocate for drug abusers, the homeless, people with HIV infections, pregnant women, and children. He has appeared numerous times in Washington to testify as an expert witness before our congressional committees and subcommittees. He is someone we call upon when we need help in knowing how to address the needs of the people of this Nation. He is someone my constituents call upon when they need help in knowing how to address the needs of themselves, or people in their lives. He is a friend to us all.

This is not a role he is unfamiliar with. Richard Pruss has always been someone to turn to. In 1962, just 2 years out of high school, while studying at the Jewish Theological Seminary, he was asked by the local rabbi in his home town of Mastic Beach to co-officiate at high holy day services with him. Shortly thereafter, when the town's rabbi left, they asked Richard Pruss to become their rabbi. He helped to see that the temple expanded its ability to serve the needs of not only Jews, but everyone in the community as well.

Three years later, in 1965, something happened that changed not only Richard Pruss' life, but thankfully, served to change the lives of countless people as well. Richard Pruss heard a radio report about a drug program in Queens that was trying to open a counseling program but was being picketed by angry neighbors. Although he knew nothing about the program, nothing about drug addiction, and certainly had nothing in the way of spare time to offer, he decided to visit the program and see if he could help by volunteering some of his time.

He made his way through the angry crowd and walked inside the door where he was introduced to the two directors of the program. One was Father Damian Pitcaithly, an Episcopalian priest who had been one of two fellow clergymen to attend the ground breaking ceremony for the addition at Pruss' temple, the other was Rabbi Richard Schachet, whom Pruss had known when they were both student rabbis and had participated in several joint projects together. It was an unusual reacquainting because although they both knew Richard Pruss, neither man at the program ever knew that the other one did.

Whatever it was that brought Richard Pruss to that program that day and whatever it was that arranged for that unexpected reunion also never let him leave. He once told me he felt:

> There's a certain almost mystical quality to it—suddenly meeting two men I hadn't seen for so long and then finding them working together to help young people. I don't know how or why it happened. I do know that my career choice was made right then and there.

In addition to his duties for his congregation, Richard Pruss also volunteered at the program for about 1½ years. He saw that when the shouting was over and when the program finally opened, many of the same people he'd seen outside carrying protest signs in their hands and shouting hate from their lips, he now saw inside carrying their children in their arms and crying tears from their eyes.

During his first few years with the program, he offered kids caught in the judicial system an option, a way to break the cycle of drugs, crime and despair. He offered them help. Richard Pruss worked closely with judges, prosecutors and defense attorneys to identify young people who might be better served by drug treatment than by prison. Almost 30 years later, Richard Pruss still believes in this concept and Samaritan Village, under his direction, participates in the Brooklyn District Attorney's Drug Treatment Alternative to Prison Program that offers second felony offenders a drug-treatment alternative.

With no funding, only volunteers and donated supplies, the evening program limped along—doing what it could to help. When Rabbi Schachet was asked by Governor Rockefeller to work for New York State as it began addressing issues of drug abuse in the

[6] The district court found that although "an indefinite program would violate the equal protection clause . . . at least until OCR has determined that UMCP is in compliance with Title VI, the Banneker program's continuing existence does not offend the Constitution." App. at 169-70A.

[7] On appeal, appellant has also contended that the Banneker Program is now narrowly tailored and that he is entitled to an order requiring UMCP to consider him for a Banneker Scholarship. The program may be valuable as a recruitment tool, but the value of the much-expanded program as opposed to the program in its more limited form or other non-race-based remedies is not clear. Because we are remanding the case for further determination we do not resolve these issues at this time.

late 1960s, Richard Pruss agreed to become the deputy administrator and, on May 23, 1967, began his paid career at the Samaritan Halfway Society, as it was called then.

His introduction to the field came the next day when a young doctor named Mitchell Rosenthal came to Samaritan along with several ex-addicts from Synanon, a drug abuse treatment program from the west coast. For the next few weeks, he virtually lived at Phoenix House, a residential therapeutic community headed by Dr. Rosenthal. He saw people who had never cried before, cry openly as they reflected on their lives and discussed their futures. He saw group therapy sessions where feelings of hostility and self-doubt were turned into goals of accomplishment and fierce determination.

He learned about methods to change people's values and he took them home to Samaritan. He met with some resistance, but stuck to his belief that what he saw was the right way to go. He also knew that it had to be made more widely available if lives were going to be saved. He hired two ex-drug addicts who had graduated from Daytop Village's treatment program and began to model treatment methods after those in use at Daytop. He hired two people who had been working at New York City's Addiction Services Agency. They were to serve as counselors, advisors, and role models for addicts wishing to recover. The evening program and day treatment model were being asked to do the impossible—they were trying to change years of doubt and frustration in a few hours a week. Samaritan, if it were to make a difference, would have to change. Richard Pruss knew it and set out to see that it happened. With modest grants from New York State and New York City to support the existing day and evening programs, he enlisted private and community sources to help him accomplish his next step.

A little over a year after Pruss started working there Samaritan opened its first residential therapeutic community with 12 residents. Since that time, it has expanded its capacity many times over. Today Samaritan operates 6 residential treatment facilities with a capacity of almost 800 beds. In 1974, Father Pitcaithly retired and Richard Pruss became the president of Samaritan.

In the 1970s, the growth of Samaritan, and of the entire field, led to the creation of Therapeutic Communities of America. Developed by Mr. William O'Brien, the president of Daytop Village, this organization, still in existence today, strove to enable people working in therapeutic communities all across the United States to have ways to exchange treatment concepts and better serve their neighbors. Richard Pruss, who served as president of this organization from 1980 through 1984, helped to found, direct and shape the future of this important information resource.

In addition, in 1977, Pruss helped to form the New York State Association of Substance Abuse Programs, a coalition of more than 400 prevention and treatment providers in New York State, serving the needs of tens of thousands of drug addicts and their family members as well. Currently serving his second term as president of this organization, Pruss stresses that treatment today, in 1992, must also include education and counseling for the family members of those in treatment. He wants to see his vision of therapeutic community concepts applied to the community at large.

Richard Pruss helped organize and led the "City of the Forgotten" demonstration in the State capital of Albany, NY. Thousands of people in treatment, their family members, and drug addiction and prevention treatment staff lived in the State Capitol continuously for several weeks, sleeping outside and keeping a constant vigil—reminding those in the executive and legislative branches where addicts came from and would return to if funding was eliminated. It was during this time that programs across New York decided to organize the New York regional chapter of Therapeutic Communities of America. Pruss served as its president from 1985 through 1989, helping to see that the solutions to the unique issues that arose when treating addiction in New York State were shared with colleagues quickly.

Richard Pruss, and the staff at Samaritan Village, are leaders and educators in the field of addiction services, sending major contingents of published speakers to the World Conference of Therapeutic Communities' annual conferences.

His belief in the free flow of ideas is not limited to addicts in therapy groups, he has translated this important treatment tenet to the professionals who serve the addicted population. He has ensured that the latest and most effective treatment and prevention methods are discussed and shared, and has consistently supported any and all organizations that seek to promote a better understanding of addiction. He has served on the New York City Board of Education Narcotics Advisory board, the Narcotics Steering Committee of the Borough of Queens, the Advisory Committee of Comprehensive Care Systems of Greenwich House, Inc., the Governor's Narcotics Advisory Board, and the National Association for Public Continuing and Adult Education.

He is currently a member of the New York State Substance Abuse and Addiction Counselor Credentialing Advisory Board and the New York State Alcohol, Drug Abuse, and Mental Health Block Grant Advisory Council.

Richard Pruss is an active board member of the Legal Action Center, an invaluable resource used by myself and many of my colleagues when we need information on drug abuse issues. He is also serving as the treasurer of the World Federation of Therapeutic Communities. In addition, he is president of Project Samaritan, Inc., partners in H.E.L.P./Project Samaritan, Inc. [HELP/PSI], the world's first residential health care facility for substance abusers living with AIDS, a unique and bold experiment where nursing-home level medical care is provided within a therapeutic community treatment model. On-site medical care, available at the HELP/PSI facility out of necessity is also available at all of the Samaritan Village residential facilities. Richard Pruss sees to that. He believes that access to primary health care, vocational training, education, group and individual counseling and a wide range of other services are what helps the dedicated staff of Samaritan Village help their neighbors. He must be right, because it's working. And it's been working for the 25 years he's been in the field doing it.

Richard Pruss has been honored and recognized for his tireless service many times. The New York Urban Coalition/New York State Substance Abuse Conference presented him with the "Drug Fighter of the Year Award" in 1984. In 1985, he received the "Outstanding Service to the Field of Drug Abuse" award from the Alcohol and Drug Problems Association of North America. In 1987, the Knights of Pythias recognized his dedication to helping others with their "Distinguished Service Award."

It is, however, the honor he will be receiving this year that seem most special to this humble man who does not strive for honor at all. The Friends of Samaritan—parents, children, grandchildren, spouses and friends of people in and graduated from treatment at Samaritan Village—will honor Richard Pruss for his leadership and his patient nurturing of their family members and of the rest of us as well. He will be saluted on not only the occasion of his 25th anniversary at Samaritan Village, but his 50th birthday as well. These two milestones could not go unnoticed by his peers, by Samaritan Village's fine staff, or by those people he believed in even when they had lost their belief in themselves. And while there will be many commemorations and occasions recalling his achievement, no honor will be as special or as meaningful to him as the knowledge that everyday there are thousands of people alive who wouldn't be if it weren't for him and every day there are thousands of people not doing drugs who never thought they could live without them.

I ask my colleagues in the House of Representatives to rise and applaud this man who wants to help and is willing to roll up his sleeves and get to it.

MAINTAINING U.S. AIR SUPERIORITY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. DORNAN of California. Mr. Speaker, I would like to bring to the attention of my colleagues two articles that appeared side by side in this week's Aviation Week & Space Technology concerning the growing threat to this Nation's superiority in the skies.

First, I would like to highlight am article entitled "Iran Rebuilds Air Force With Russian Aircraft." According to the article, Iran has recently purchased 20 Mig-29 Fulcrum jet fighters, as well as Mig-31 Foxhound interceptors and Su-24 Fencer attack aircraft. These top-of-the-line aircraft, along with the approximately 120 Soviet-made aircraft that were flown to Iran from Iraq during Desert Storm, will give Iran a large and modern Air Force capable to threatening the entire Middle East, as well as any current American force that may deploy to the region. With potential adversaries such as Iraq obtaining highly advanced jet aircraft in large quantities, I can think of no better reason to proceed with America's next generation air superiority fighter, the F–22 Super Star.

The F–22 will be the F–15 Eagle of tomorrow, capable of fighting and defeating the best

aircraft the enemy may fly, even in superior numbers. The F–22 will improve upon the speed and agility of the F–15 while incorporating the latest in stealth technology to evade enemy radar and surface-to-air missiles. Without the F–22, our brave pilots will be forced to fly aircraft that at best, are no better than the most advanced enemy fighter and at worst, may be greatly outnumbered.

The second article I would like to highlight concerns a European requirement for an advanced airlift aircraft. An artist's conception of this new aircraft bears a striking resemblance to our own new airlifter, the C–17. I make this point because as we wait and debate the need for a new airlifter, others are proceeding ahead with this technology, threatening to leave our country, always a leader in aerospace design, well behind.

We should aggressively proceed forward with the C–17. The airlift requirement is clear, and the solution is even clearer, and that solution is the C–17. If we miss this opportunity, others are more than adequately prepared to step in and offer alternative designs.

If we want to maintain this country's superiority both in the skies and in the aerospace industry, superiority that has been vital to our success over nearly the last century, we must proceed with revolutionary aerospace programs such as the F–22 and C–17.

CONGRATULATIONS TO PORTSMOUTH HIGH SCHOOL BOY'S SOCCER TEAM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate the Portsmouth High School boy's soccer team on winning the Rhode Island State Division 1–B Soccer Championships. Portsmouth last won the Rhode Island State soccer title in 1978.

Portsmouth clinched the title by defeating Mount Pleasant High School in a suspenseful, shootout overtime. With the score tied at the end of regulation play, the teams played 20 minutes of scoreless overtime. During the final shootout, Portsmouth outscored Mount Pleasant 4–3 to secure the title.

Portsmouth finished the successful season with a 13–1–2 record and reached the State championships by defeating North Smithfield 2–0 and Central Falls 1–0.

Portsmouth also placed five players on the State all tournament team, Mike Lynch, Ryan Angel, Shane Richard, Nick Lauteri, and the tournament's most valuable player Derek Lauteri.

I send my sincerest congratulations to the entire Portsmouth soccer team and Coach Steve Stinton, for winning the Rhode Island State Division 1–B Boy's Soccer Championships. I wish you all the best in your future endeavors.

A TRIBUTE TO LT. WALTER J. COLFER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding service of Lt. Walter J. Colfer. Lieutenant Colfer is the commander of the court services division of the sheriff's department in San Bernardino County. He will be recognized for his many years of public service and dedication to the community at a retirement dinner in March.

Walter has had a very distinguished career as a law enforcement officer. He began this career with the Illinois State Police, 5 years later transferring to the Chicago Police Department. In 1965, Walter moved to the San Bernardino County Sheriff's Department where he has held various positions. These positions include patrolman, detective, sergeant, sergeant/second-in-command of the Sheriff's Academy, lieutenant, executive officer/second-in-command, and finally, lieutenant-in-command/court services division. All told, he has served more than 34 years on the force.

While on the force, Walter headed the team that founded the Officer's Survival Program and he also founded the sheriff's SWAT team. For his devotion and exceptional service Walter has been duly rewarded. He was given the Medal of Valor in 1963, from the Illinois State Police in Springfield. The Chicago Police Department awarded him a Commendation of Valor in 1964 and, from the San Bernardino Sheriff's Department, he received awards of Meritorious Service and Operations Manual Development and Implementation.

Besides his outstanding career achievements, Walter has also dedicated himself to helping the community in social ways. He has played an active role in American Youth Soccer Organization [AYSO] as regional commissioner, chief referee, and staff national referee instructor. Additionally, he has functioned for the National Collegiate Athletic Association/California Inter-Scholastic Federation as both a college and high school level official and soccer referee assessor, and his involvement in the U.S. Soccer Federation dates back many years. His membership in the Red Cross is not only as a CPR and first aid instructor and member of the chapter board of directors but also as the chairman of the San Bernardino County Chapter. For the United Way, Walter is a member of the allocation and evaluation committee. He also is on the board of directors and chairman of the board of trustees for the Bethlehem House, a house that runs a residential domestic violence intervention program. Finally, Walter is on the board of directors for the Volunteer Center of the Inland Empire.

Mr. President, I ask that you join me, our colleagues, friends, and family in recognizing the many contributions of an extraordinary man, Walter J. Colfer. Walter's dedication and many years of service to the community are certainly worthy of recognition by the House today.

TRIBUTE TO CAPT. ARTHUR D. CLARK

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, later this month Capt. Arthur D. Clark of the U.S. Navy will be retiring. Since June 1988, Captain Clark has served our Nation by running the Philadelphia Naval Shipyard, and by making it the most efficient public shipyard in the country. As a tribute to this fine American, I am submitting for the RECORD his biography.

CAPT. ARTHUR D. CLARK, U.S. NAVY

Born in Yonkers, New York on April 20, 1941, Captain Arthur D. Clark was raised in Catonsville, Maryland and is a 1963 graduate of the U.S. Naval Academy in Annapolis.

Captain Clark took over the helm of the Philadelphia Naval Shipyard on June 18, 1988 with a background truly suited for his new command.

His first tour as a Naval Officer took him to the USS J. R. PIERCE (DD 753) where he worked in main propulsion and damage control. In April 1965, he was a student at the U.S. Naval Destroyer School which was followed by a two-year assignment as Weapons Officer aboard the USS NICHOLAS (DD 449). From the NICHOLAS, he went to San Diego, California to serve as Operations and Plans Officer on the staff of Destroyer Division 212.

In April 1971, Captain Clark earned his Masters Degree in Operations Research from the U.S. Navy Post Graduate School in Monterey, California. He followed that with a tour as a student at the Navy's Development and Training Center in San Diego before returning to sea as Engineering Officer aboard the USS WHITE PLAINS (AFS 4).

Beginning in November 1973, Captain Clark spent two years as Staff Assistant to the Commanding Officer for Resource Planning at Navy Command System Support Activity in Washington, DC. While there he earned his Engineering Duty Officer designator. In October 1975, he went to Pearl Harbor as Supervisor Shipbuilding (SUPSHIP) Assistant. That position was followed by a February 1977 assignment to Pearl Harbor Naval Shipyard as Type Desk Officer for surface ship overhauls and then as Planning and Estimating Superintendent. He returned to sea in January 1980 as the Engineering Officer aboard the USS JOHN F. KENNEDY (CV 67).

Before reporting to the Chief of Naval Operations in January 1983 as CV–SLEP Project Officer, Captain Clark spend six months as Assistant CV–SLEP Project Officer at Naval Sea Systems Command in Washington, DC. From the Pentagon he went to Mare Island, California to become Commanding Officer of the Engineering Duty Officer School. Immediately before coming to Philadelphia, he was Production Officer for the Charleston Naval Shipyard.

Among his numerous decorations, Captain Clark wears the Meritorious Service Medal with two stars, the Navy Achievement Medal with "V," the Navy Commendation Medal, the Vietnam Service Medal and the Vietnam Campaign Medal with six bronze stars.

He is married to the former Merle Arnold of Philadelphia. They have two sons, Gregory and Jeffrey.

TRIBUTE TO MARY ANN NEELEY, HISTORIAN AND PRESERVATIONIST

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. DICKINSON. Mr. Speaker, today I would like to pay tribute to Mrs. Mary Ann Neeley, director of the Montgomery, AL, Landmarks Foundation, Landmarks Foundation was organized in 1967 by Montgomery area businessmen and residents interested in preserving Montgomery's rich historical tradition and architectural heritage. Mrs. Neeley served as a volunteer for Landmarks before being hired by the city of Montgomery as its director in 1978.

As Landmarks' director, Mrs. Neeley has been an important mover and organizer of preservation projects in Montgomery, and she has been instrumental in developing the centerpiece of Alabama's preservation achievements, Old Alabama Town. Old Alabama Town, formerly known as the Old North Hull District, is a collection of over 30 historic buildings, many of which have been brought from locations throughout central Alabama, restored to original condition, and opened for viewing by tourists. An afternoon spent exploring the many sights treats one to the experience of strolling through a 19th century Alabama town as well as to an interesting survey of the diversity and development of architecture in the South. The structures at Old Alabama Town include an Italianate townhouse, on its original site with original dependencies and gardens, two antebellum plantation homes, a former's Grange hall, a shotgun house, two dog trot houses, a log cabin, barn, country store, school, church, doctors's office, and several other typical town and country homes. Lusas Tavern, which was visited by Lafayette on his tour through Alabama, serves as the welcome center. The newest addition to the collection is a cotton gin which will be housed in a replica 19th century gin house.

Though the historic district is the diamond of Mrs. Neeley's efforts, it by no means is her only project. She was active in a historical survey of Montgomery homes and businesses and is known throughout the area for the depth and breadth of her knowledge of Montgomery and its history. Beginning her career in history as a teacher at Goodwyn Junior High School, Mrs. Neeley completed a master's degree at Auburn University and now serves as an adjunct professor at Auburn University at Montgomery. She is the coauthor, with Beth Muskat, of "The Way It Was, 1850–1930: Photographs of Montgomery and her Central Alabama Neighbors," and wrote the touring section for M.P. Wilkerson's "The Best of Montgomery: A Touring and Dining Guide." She has published articles in historical journals and recently served as the president of the Alabama Historical Association. Mrs. Neeley was honored as one of Montgomery's Women of Achievement in 1986. She has also served for 16 years as a member of the Montgomery Historic Development Commission.

Recently, a former student of Mrs. Neeley's suggested that Mrs. Neeley should hold the classification of the mother of Alabama history. Mrs. Neeley laughs at this idea, however, recognizing that her own love of history grew out of the rich experiences provided for her by her own parents and grandparents. Her efforts on behalf of Montgomery and Alabama history are for her an attempt to provide these experiences to younger generations. Writing recently about becoming a grandmother for the third time, she expressed her commitment to the Southern tradition of families and friends sharing the past sitting on the front porch in summer and around the fire in winter. It is a tradition she tries to keep alive with her own: Faced with the truly awesome responsibilities of grandparenthood, I've decided the best I can do is love and enjoy the children, spend as much time with them as possible relish my own grandparents as models, try to achieve as much as possible while hoping that a portion of the multitude of things I want to pass on will stick.

I ask Members of Congress to join with me in paying tribute to Mary Ann Neeley. Through all of her contributions she has truly become a grandmother of Alabama history to us all, teaching us to know, to preserve, and to love our Alabama heritage.

WHOSE WEST BANK IS IT?

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. GREEN of New York. Mr. Speaker, it is my hope that in the coming days Congress may finally be able to consider the question of whether to support Israel's request for loan guarantees to assist that nation with the absorption of refugees from Eastern Europe, the former Soviet Union, and Ethiopia. The rescue of an oppressed and endangered people from the former Soviet Union and elsewhere, which the United States has demanded and orchestrated for two decades, cannot be delayed, and I sincerely hope that my colleagues here in Congress will approve the loan guarantee assistance expeditiously.

Over the past 2 years, Israel has absorbed more than 400,000 immigrants. Clearly, that nation alone cannot shoulder the costs of such a massive population influx. The loan guarantees would impose no cost to the United States taxpayer since our Government is not actually lending money, but merely acting as a guarantor of commercial loans that the Government of Israel would contract on the commercial market. The Government of Israel intends to cover the nominal bookkeeping costs involved. Through the loan guarantee program, Israel is not seeking direct United States aid, but rather, a cost-effective way to meet the immense challenge of providing for the refugees.

Some have sought, unwisely and maliciously, to link the Israeli request for this humanitarian aid with the issue of settlements and the Middle East peace talks. This is an extremely dangerous position to take, because those who subscribe to this view risk subjecting tens of thousands of Jewish refugees to further persecution and hardship.

We in Congress and the administration must honor the promise of freedom we have held out to Jews across the world who, for decades, have lived behind a religious and cultural Iron Curtain. In 1991, the entire Albanian Jewish community was airlifted to Israel. The Bulgarian Jewish community is now leaving for Israel, joining thousands of Jews from throughout Eastern Europe. Last May, in a dramatic 36-hour airlift, 14,000 Ethiopian Jews were brought to Israel. During the entire 1980's, when less than 30,000 Jews were allowed to flee the Soviet Union, Congress and successive administrations steadfastly petitioned for their freedom. During 1990 and 1991, immigration from the Soviet Union topped 325,000. Our hard work had finally borne fruit. We cannot walk away now.

More broadly, linking United States support for Israel—humanitarian or otherwise—to the question of settlements punishes our longstanding ally Israel without taking any action against the real causes of instability in the region—most notably, the military, economic, and political state of war that Arab nations have maintained against Israel since its inception.

Further, such linkage is based on a false premise and a misinformed view of the region's history. No nation today claims sovereignty over either the West Bank or Gaza, and Israel, therefore, is not an occupying power as defined under the Fourth Geneva Convention. Before Israel came into existence, the territory was Britain's, under a League of Nations mandate. Britain relinquished sovereignty when the United Nations passed its partition resolution. Egypt then occupied Gaza, and Jordan the West Bank. Egypt never claimed sovereignty over Gaza. While Jordan claimed sovereignty over the West Bank, only Britain and Pakistan acknowledged it and Jordan ultimately withdrew its claim.

Under President Reagan, U.S. policy recognized the right of Jews to live wherever they choose. Specifically on the issue of settlements, soon after he took office, President Reagan said, "As to the West Bank, I believe the settlements there—I disagree when the previous administration referred to them as illegal, they're not illegal. Not under the U.N. resolution that leaves the West Bank open to all people—Arab and Israeli alike, Christian alike."

Moreover, the United States provides aid to Israel because of the long-term friendship our two nations have enjoyed, and because aid to Israel is in our own Nation's best interests. Secretary of Defense Cheney has said, "We do not consider our relationship with Israel to flow in only one direction. The United States provides aid and assistance to Israel, but we also get national security benefits in return."

History has proven that the presence or absence of settlements does not affect Israel's commitment to making peace with her Arab neighbors. Under the Camp David accords, Israel gave up not only settlements, but also vast oil reserves and strategic air bases. Conversely, the absence of settlements before 1967 did not bring Israel's Arab neighbors to end their state of war with Israel.

Because I believe that this issue is of such immense consequence, I commend to my colleagues the following piece by Cynthia Ozick

which was published in the New York Times on February 19:

WHOSE WEST BANK IS IT?

(By Cynthia Ozick)

It was once an axiom that Palestinian meant Jews. The Palestine Post was a Jewish newspaper. The soldiers who fought with the Allies in Egypt and Italy in the Jewish Brigade were referred to as Palestinians. The Palestine Pavilion at the 1939 New York World's Fair was Zionist.

Arabs in Palestine at that time never used the term Palestinian for themselves; they saw no shame in being known as Arab. Arab suggests a proud—and wide—unity of culture. Palestinian, nowadays applied to some Arabs, declares a narrow contemporary political program, a point no one emphasizes more than the Palestinians themselves.

Yet from a historical view, the terms Palestine and Palestinian have always been misnomers. Palestina—Latin for Philistine—was the label spitefully affixed to the land by the Roman conquerors who in the year 70 drove out and scattered the Jews. The name intended as an offense became entrenched as axiomatic—though it was inherently illegitimate. Jerusalem was restyled Aelia Capitolina, in a corrupt desire to bury history. Still, where there were once Israelites, today there are Israelis: the links of Jewish national independence have been reconnected in a proper noun, and the old Roman malice is undone.

But if Roman malice seems too stale to bother thinking about, consider that an identical process is going on before our eyes. In less than 50 years, through revisionist polemics, verbal usurpations and powerful transmogrifications of language, creeping redefinitions are once again turning into primordial international axioms.

Like Salvador Dali's melting watches, certain terms have grown surreal: shapeless, unstable, even unpredictable. In the Middle East imbroglio, the names and meanings of things can no longer be counted on. Language, of course, inexorably changes, even from one generation to the next. But when terms become jelly overnight, it is no natural evolution we are witnessing. It is, rather, the adroit hand of the politically reformulating artist: a lexical prestidigitator with an axiom to grind.

That hand is at work in the reformulation of the meaning of "occupied territories," now almost universally applied to the land west of the Jordan River.

The term has become central to discussions of the peace process. It is heard every day from the White House, in the United Nations, and out of the mouths of newscasters. It has long been the staple of journals worldwide. It is the nucleus, the indispensible premise of the Palestinian delegation. It is a locution so publicly accepted, so triumphant everywhere, so wholly organic in political terminology, that to dare to challenge it seems quixotic.

But like the old Roman malice, it is also cynically programmatic—an international mendacity justified neither by history nor by any normal understanding of language and law.

We used to know exactly what an occupied territory was. When Nazi Germany took over the Netherlands, an internationally legitimate and historically recognized independent nation, the Netherlands unquestionably became occupied territory. What made it so was precisely its prior sovereign status.

Since the demise of the Ottoman Empire after World War I, however, the unallocated territories known as the West Bank (a colorless, if not necessarily neutral, geographical designation) have never had any internationally recognized sovereign status.

They have never been recognized by any international body as belonging to any Arab state or to any claimant group. The British Mandate's authority over them, intended as purely administrative and temporary, was dissolved by the U.N. in 1947. Their partition designating an Arab share was violently nullified by the Arabs themselves.

Their seizure by Jordan between 1948 and 1967 was never internationally conceded; not a single Arab state acknowledged Jordan's claim to the West Bank, which, in any case, Jordan itself finally renounced. Under U.N. Resolutions 242 and 338, Israel continues to have an internationally mandated obligation, until there are peace treaties, to keep civil order in the lands that fell to it as a consequence of the 1967 and 1973 Arab assaults—wars instigated to wipe out the Jewish state. Except for the Golan patch, currently subject to negotiations, these areas have never been formally or informally annexed by Israel.

The fact is, then, that for more than 70 years there has never been a legally acknowledged claimant to the territories west of the Jordan River. And since, in logic and law, there can be no occupation without prior sovereignty, how does one account for the axiomatic use of the term occupied territories?

What is at issue is disputed acreage. Its national ownership is at this moment unresolved. Its disposition remains undecided in international law. Fairness in usage, accordingly, would be to avoid words reflecting the political agenda of one party only, and to choose instead language that is neither polemical nor tendentious, free of hidden advocacy and favoring neither Israelis nor Arabs.

To continue to accept as axiomatic "Israel-occupied West Bank," or "occupied Palestinian lands" is anything but neutral. It is, willy-nilly, to pander to the P.L.O. narrative and to work to legitimize it.

Equally axiomatic—equally unexamined—is the notion of settlements in the unallocated lands as applying exclusively to Jewish activists. Beginning 8 or 10 years ago, travelers through the uninhabited West Bank hills would be startled by the sight of vast, ghostly stone villas rising out of the barren earth, grand pink or white Gatsbyan edifices, balconied, filigreed, vacant—financed, it was said, by P.L.O. millions (via Saudi Arabia), and designed to fill unpopulated land.

Since then, Arab counter-settlement in the territories, almost wholly unreported, has grown to exceed Jewish building by 600 percent. It is the fever and the dread of the race to build on empty tracts that finally brought West Bank Arabs to Madrid; on their own testimony, Jewish settlement activity has been the facilitator of, not the obstacle to, their belated willingness to talk.

The stirring yet deceptive human rights vocabulary of P.L.O. proponents like Hanan Ashrawi falls to ashes when one confronts the odds against equal civil status, or any status at all, for Jews in her putative Palestinian state.

One need not be a cheerleader for Israeli settlement policy to understand that the Palestinian demand for an immediate and permanent freeze or dismantling can mean one thing only: Jews now living in these areas would presumably be shipped out. It is a likelihood prefigured not only by the Palestinian outcry against their continued presence but also by the politically influential precedent of other Arab states whose thresholds no Jew may cross.

Approximately 800,000 Arabs, Christian and Muslim, live in democratic Israel. If still another Arab state axiomatically hostile to diversity came into being under a Palestinian aegis, would Dr. Ashrawi, for instance, wish to apply to the Arab citizens of Israel the Palestinians' own formula for Jews in the territories? Should a distaste of pluralism—ideally for peoples living amicably intermixed—become the standard? As axioms go, this one is unacceptable.

In closing, let us remember the facts, not the fiction, when considering whether to approve the Israeli loan guarantee request. Let us not turn our backs on world Jewry, nor on our Nation's most reliable and longstanding ally in the Middle East.

AMERICAN HEART MONTH

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. PURSELL. Mr. Speaker, I rise to remind my colleagues that not all proclamations go unrecognized. Appropriately this Valentine's Day in a signing ceremony in the Oval Office, President Bush, a former American Heart Association volunteer, declared the month of February as American Heart Month. This tradition started in February 1964 as a result of a 1963 congressional resolution requesting the President to designate each February as American Heart Month, showing the seriousness of cardiovascular diseases, including heart attack and stroke—still the leading cause of death in the United States.

The American Heart Association, a nonprofit, voluntary health organization, reports that in 1992 cardiovascular diseases will claim a life every 34 seconds in the United States for a total of nearly 1 million deaths. According to the AHA, these diseases kill nearly as many Americans in this country as cancer, AIDS, accidents and all other causes of death combined. Preventing cardiovascular diseases is critical to the American Heart Association's mission, the reduction of disability and death from cardiovascular diseases and stroke.

The AHA, along with the National Heart, Lung, and Blood Institute [NHLBI] and the National Institute of Neurological Disorders and Stroke [NINDS], has made significant inroads in curtailing the age-adjusted mortality rates from these diseases through research, prevention, and education programs. According to the AHA, from 1979 to 1989 the age-adjusted death rate from coronary heart disease fell 30 percent and that from stroke fell 31.5 percent. Despite these gains the AHA emphasizes that in the corresponding period, the actual number of deaths from cardiovascular diseases fell only 2.6 percent. Much of this decline is attributed to preventive measures, such as controlling risk factors of cardiovascular diseases, including smoking, elevated blood cholesterol, high blood pressure, and diets high in saturated fats and cholesterol. Examples of successful cardiovascular disease prevention programs include both the NHLBI's National High Blood Pressure Education Program and the

National Cholesterol Education Program, which correspond to the AHA's Physicians' Cholesterol Education Program, the Cholesterol Education Program for Nurses, and the Heart Rx Program.

The slogan of the 1992 American Heart Month, "this emergency demands urgency," emphasizing that many heart attack and stroke deaths could be prevented if victims receive immediate medical attention, fits well with the NHLBI's newest educational program: the National Heart Attack Alert Program. It focuses on teaching health care professionals and their patients about warning signals of heart attack and the importance of prompt education and treatment. According to the American Heart Association, more than 300,000 Americans a year die from heart attack before they reach a hospital. Studies show that half of all heart attack victims wait more than two hours before getting assistance.

I salute the accomplishments of the American Heart Association and the National Heart, Lung, and Blood Institute; however, I stress that much more needs to be done because cardiovascular diseases remain the No. 1 killer in the United States. According to AHA estimates more than one in four Americans suffer from one or more cardiovascular diseases at a projected cost in 1992 of $108.9 billion in health care costs and lost productivity.

During the celebration of American Heart Month, I urge my colleagues to provide the resources to take advantage of the scientific opportunities that advance the battle against cardiovascular diseases, including heart attack and stroke. Many proclamations go unrecognized, but because of the seriousness of cardiovascular diseases, this year's Presidential proclamation, declaring February 1992 American Heart Month follows:

AMERICAN HEART MONTH, 1992

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Since our first annual observance of American Heart Month just over 25 years ago, our Nation has made substantial progress in the fight against cardiovascular disease. According to the American Heart Association, a not-for-profit volunteer health agency, age-adjusted death rates from heart attack declined by almost 51 percent between 1963 and 1988. During the same period, the death rate from stroke dropped even further, by close to 61 percent. Advances in both the prevention and the treatment of cardiovascular disease have saved lives.

Despite the success of related research and nationwide public awareness campaigns, diseases of the heart and blood vessels continue to claim the lives of nearly 1 million Americans each year. In fact, heart attack, stroke, and other forms of cardiovascular disease remain our Nation's number one killer.

The American Heart Association reports that more than 69 million Americans currently suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, rheumatic heart disease, and stroke. While many people mistakenly assume that heart disease occurs primarily in old age, studies show that 5 percent of all heart attacks occur in people younger than age 40, and more than 45 percent occur in people younger than age 65.

Cardiovascular disease can affect people of any age, race, or walk of life, and women as well as men. Its toll in terms of individual pain and suffering is incalculable. Its cost to our Nation, in terms of health care expenses and lost productivity, totals in the billions of dollars.

Today concerned organizations in both the public and private sectors are working to save lives and to help alleviate the wider impact of cardiovascular disease. Through the National Heart, Lung, and Blood Institute, the Federal Government has spent millions of dollars on educational programs and on research into cardiovascular disease. The American Heart Association estimates that it has invested nearly 1 billion dollars in research since it became a national voluntary health organization in the late 1940s. That investment has been made possible by the generosity of the American public and by the dedicated efforts of the Association's 3.5 million volunteers.

Thanks, in large part, to ongoing support from the Federal Government and from the American Heart Association, physicians and scientists have been able to make many important advances in cardiovascular health care. Public and private funding has also led to the development of effective educational programs, which have enabled more and more Americans to learn what they can do to avoid heart attack and stroke.

Today, for example, we know how important it is to avoid the use of tobacco products, in particular, smoking. We are especially aware of the dangers of smoking among young people. We also know that controlling one's blood pressure, maintaining a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular disease.

Encouraged by the progress that we have made thus far, and recognizing the need for continued education and research, let us pause this month to strengthen and renew our commitment to the fight against cardiovascular disease. After all, the many programs and activities that are conducted during American Hearth Month offer lessons for life.

The Congress, by Joint Resolution approved December 30, 1963 (77 State. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Hearth Month."

Now, Therefore, I, George Bush, President of the United States of America, do hereby proclaim the month of February 1992 as American Hearth Month. I urge all Americans to join in observing this month with appropriate programs and activities.

In Witness Whereof, I have hereunto set my hand this fourteenth day of February, in the year of our Lord nineteen hundred and ninety-two, and of the independence of the United Sates of America the two hundred and sixteenth.

GEORGE BUSH.

CONGRESSMAN KENNETH J. GRAY: CITIZEN OF THE YEAR

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. POSHARD. Mr. Speaker, I rise to pay special tribute to a man who needs no introduction in this House, former Congressman Kenneth J. Gray. Those of you who remember him will not be surprised to learn that Ken is still extremely active on behalf of southern Illinois and particularly his hometown of West Frankfort. In fact, just days ago, the community paid its debt of gratitude for all he has done by naming him Citizen of the Year. I am pleased to provide this newspaper article which goes into much further detail, but let me just simply say that I am proud to stand where Ken Gray once stood and to carry on his tradition of service.

CITIZEN OF THE YEAR

(By Sue Ellen Cox)

WEST FRANKFORT.—It's not easy to put retired congressman, Kenneth J. Gray, in the position of being speechless but they almost accomplished it in West Frankfort Thursday evening.

When the publisher of The Daily American Newspaper in West Frankfort, G. David Green, announced that Gray had been selected as "The Citizen of The Year," the former lawmaker asked: "Are you sure you haven't made a mistake? Are you sure you don't mean my brother Paul? The congressman's brother is also a long-time member of West Frankfort Chamber.

There was no mistake, however, Gray was indeed the choice of the Chamber of Commerce members to be named as the 23rd "Citizen of the year." The prestigious award is given to the person receiving the most votes, cast by individual secret ballot, of West Frankfort Chamber of Commerce members. Nominations are made by private citizens who fill out a questionnaires published in The Daily American.

Gray joined the West Frankfort Chamber in 1947 after returning to his hometown from active duty in the Army Air Corp during World War II. He and his father, Tom Gray, opened an automobile dealership in West Frankfort Heights at that time. Gray's "Ride Through History Museum" now occupies the same building on East Main Street.

"By working together, there isn't anything we can't accomplish," Gray told the audience attending last night's 50th annual Chamber dinner.

The West Frankfort native also said that during his time in congress they had been able to keep a "lid" on the Clean Air Act, passed by the last congress.

He asked for a round of applause for the Chamber speaker, Director of the Illinois Department of Mines and Minerals, Ronald E. Morse and remarked favorably on the efforts of the Mines and Minerals Department in their campaign to convince Southern Illinois Coal users to install scrubbers rather than revert to buying western coal.

Gray is a popular speaker in Southern Illinois and keeps his audiences laughing by frequent use of funny incidents and jokes.

One funny story, however, was told by Green on Congressman Gray when he told of how Gray had expertly landed a helicopter he was piloting in a grove of trees.

"That was great job of landing right in the middle of these trees," Green said. "But why," he wondered, "didn't you land the helicopter in that big empty parking lot next to the trees"?

"The parking lot was what I was aiming at," Gray explained.

EMERGENCY DROUGHT RELIEF ACT CONCURRENCE URGED

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. MINETA. Mr. Speaker, I rise in support of the Reclamation States Emergency Drought Relief Act, H.R. 355, and I urge my colleagues to concur with the Senate amendments to the bill.

Despite the recent rains in California, the drought continues and the Western United States needs this bill more than ever. The Reclamation States Emergency Drought Relief Act will give States the power and flexibility to cope with this persistent drought.

Of special importance, I believe, are the bill's provisions reforming the Warren Act of 1911, which bars the transport over Federal aqueducts of water purchased by State and local agencies for municipal and industrial use.

Mr. Speaker, current law makes no sense. Local agencies are scouring the West for water sources to supply their thirsty customers, many already under severe water use restrictions. Speedy deliveries are of crucial importance. Yet current law allows only irrigation water to travel through Federal canals and reservoirs. Municipal water agencies are forced to transport their water over a roundabout system of State or local aqueducts, delaying delivery and raising rates for their customers.

Our water laws were written 80 years ago, when California's cities were not the economic dynamos they are today. It only makes sense that water for cities and industries should receive the same treatment as agricultural water.

This bill's provisions allowing the transport of non-Federal water over Federal aqueducts are similar to those in a bill I wrote with Representative ROBERT LAGOMARSINO (H.R. 1008). I would like to thank my California colleague for all his hard work and I congratulate him for serving his constituents so effectively.

I would also like especially to thank Interior and Insular Affairs Committee chairman GEORGE MILLER and Representative RICK LEHMAN for their diligent work in passing this legislation.

Again, Mr. Speaker, I urge my colleagues to concur with the Senate amendments and send the Reclamation States Emergency Drought Relief Act to the President.

ECONOMIC GROWTH: THE CHARGE OF THE COMMITTEE ON EDUCATIONAL AND LABOR

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. GOODLING. The economic situation that is facing this country has caused each of us to reassess both our individual role and this Nation's role in the world economy. We are learning, and fast, that business as usual is no longer going to get the job done and that the United States will not be the global economic leader that we expect it to be unless we, as citizens, make a commitment to improving both the manner in which we educate our youth and the manner in which we utilize our work force. Sustained economic growth will not be achieved without a labor force that enters the job market with the necessary education and skills and a labor force that endures in the job market with the appropriate training and managerial support to foster productivity.

As a policymaker on the Federal level, the commitment that I want to make is to focus the work of the Committee on Education and Labor on developing education and work force policies that support this Nation's ability to achieve economic growth. I do not pretend to be either an economist or a demographer, but the statistical trends with respect to work force and employment growth have policy implications that I believe should be the blueprint for the legislative agenda of this committee.

As we enter the 21st century, the work force will grow at a slower rate and will become increasingly older, more female, and more diverse. The baby boom generation is still a large cohort of our labor force, although they are approaching their retirement years, and the baby bust generation is now providing us with a smaller pool of entry level workers. For the foreseeable future, the growth rates of the Asian, Hispanic, black, and female labor forces will outstrip overall labor force growth. On the employment side, total employment is expected to grow over the next 15 years at a rate that is only slightly more than half that of the previous 15 years. Accompanying this slower growth will be changes in the composition of employment as we continue the shift from a manufacturing-based economy to a service-oriented economy.

If we view economic growth as a factor of employment growth and productivity growth, these statistical trends point to several policy areas where the Committee on Education and Labor can develop pro-growth legislation. On the productivity side, we must be cognizant of work force policies that hinder efficiency by increasing the regulatory costs of doing business. We can develop policies that are true to legitimate work force legislative goals, such as occupational safety and health, improved labor-management relations or equal employment opportunity, but that minimize regulatory costs. Also on the productivity side, we can encourage management techniques that will enable our existing work force to be utilized more efficiently. The rigid hierarchy of the workplace of the past no longer serves our economic needs and we must be open to new ideas such as total quality control, employee participation, and cooperative management. We must advocate legal developments that allow such ideas to flourish. Finally, we must implement policies that improve our education and job training systems, both school-based and employer-provided, to enable our entrants in the labor force to be productive participants in the workplace of the future.

With respect to the employment growth variable in the economic growth equation, given the projected sluggish growth in employment, we must support and expand efforts to hire and train workers previously not a fully utilized cohort of our labor force. The Americans With Disabilities Act, which will go into effect this summer, is a first step in increasing employment opportunities for the disabled. Similar outreach must be initiated to draw other underutilized groups into the labor market. As females, minorities, the disabled, and the disadvantaged enter the work force at a greater rate, the need for improved job training and education will be reinforced since these groups have traditionally not received a fair share of such benefits. The increased diversity of the work force will also demand employers and employees to pay more attention to equal employment opportunity responsibilities and requirements and may present an occasion for us to consider policies to make the EEO process a more user friendly system. Finally on the employment growth side of the ledger, we must develop policies that take better advantage of the tremendous skills of the very large population of older workers. Elements of both Social Security policy and pension policy that limit the ability of this group of citizens to fully participate in our economy must be reviewed.

The changing demographics of the work force combined with the changing nature of work and the workplace present a challenge to this Nation if we are to maintain our preeminence in the global economy. The legislative agenda of the Committee on Education and Labor should focus on developing sound education and employment policies that support this Nation's ability to be, not only a competitor in, but the leader of the international marketplace. If I can speak for the Republican members of the committee, we will consider this to be our charge as we address the myriad education, labor and human resource issues that must be dealt with in this Congress and beyond.

DISCRIMINATION IN COLLEGE ADMISSIONS MUST STOP

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ROHRABACHER. Mr. Speaker, earlier today I discussed the significant implications of the U.S. Circuit Court of Appeals for the Fourth Circuit in Podberesky versus Kirwan on racial quota admission policies of colleges and universities. I also spoke about the finding by the Office for Civil Rights [OCR] at the U.S. Department of Education that Asian-American applicants to the graduate math program at UCLA had been discriminated against. I also discussed the delays that have occurred in four other OCR investigations of complaints of this type of discrimination at other units of the University of California system.

This is very dry, but important, legalism. It is important because it has a very human face. I mean the heartbreaking stories of those students who work hard for many years, who achieve high marks, high test scores, and accomplish many successes in extra curricular activities but who are denied admission to schools for which they are highly qualified, and see students from the same high schools who have lesser records admitted instead.

The San Diego Union of February 10, 1992, tells the story of one of these students, Jennifer Riel, a Filipino American, who was valedictorian at Sweetwater Union High School in Chula Vista, CA. Jennifer Riel had a better than perfect grade point average due to honors courses and was captain of the cheerleading squad and still didn't get accepted to UC-Berkeley.

Mr. Speaker, what more does one have to do. What does such a rejection say to other students who work hard. How can any parent say to their children with a straight face, "Work hard, get good marks and you will get ahead." I ask unanimous consent to inset at this point in the RECORD the San Diego Union article that tells the heart breaking story of Jennifer Riel.

Mr. Speaker, discrimination in college admissions must stop.

A good start would be for the House of Representatives to pass my legislation House Concurrent Resolution 102. It should be added as an amendment to the Higher Education Act reauthorization bill which the House will consider later this year.

[From the San Diego Union-Tribune, Feb. 10, 1992]

UC GETTING FEW POINTS FOR CRITICIZED ADMISSIONS POLICY

(By Steve Schmidt)

Captain of the cheerleader squad, class valedictorian, bigwig in student government—all were achievements in the halcyon days of Jennifer Riel's senior year.

It was the spring of 1991 and, by nearly everyone's account, the Chula Vista girl was enjoying a stellar season at Sweetwater Union High School.

Then she opened her mail.

Neatly folded in a thin envelope was a terse letter from UC Berkeley, telling the Filipino-American that the prestigious university had rejected her application to enroll.

"They said I had to be a well-rounded student," Riel recalled. "Well, what else could I do? I had done just about everything there was to do in high school"

Berkeley accepted at least five other Sweetwater students—all with excellent academic credentials, but none better than Riel's.

The other students happened to be members of underrepresented minorities that Berkeley wanted to woo to campus. Riel was not.

Riel's unexpected rejection—coming as her peers were welcomed—put her in a cross-fire of a growing national debate over the college admissions process.

As families await word in coming weeks on whether their sons and daughters will be accepted into college next fall, educators and others agree that hostility is growing over who gets in and who doesn't.

Affirmative action programs—long a flash point in the nation's struggle over race relations—are again drawing much of the fire.

Simmering resentment among some whites and Asians over such programs, along with the slew of headaches facing higher education administrators, are putting the pinch on efforts to bring more minorities to big-name universities.

The debate over admissions is particularly sharp on the nine highly regarded University of California campuses, including Berkeley, UCLA and UCSD.

"It's been most dramatically seen in the UC," said Robert Atwell, president of the American Council on Education.

Next fall, UC San Diego expects to hit a milestone. The entering freshman class will likely be the first in which whites are not a majority.

But first the campus has some questions to answer. Prompted by allegations of racial bias, the U.S. Department of Education is conducting an investigation into admissions practices on the La Jolla campus. A report is expected in a few weeks.

UCSD administrators defend their admissions policies, calling them fair to all applicants.

"After the civil-rights movement of the 1960s, there was a sense that for the sake of society we have to try to integrate," said Patrick Hayashi, an associate vice chancellor at Berkeley.

"Now, I think the American public is reexamining the shape that commitment is taking," he said.

In several dog-eared boxes, scattered next to an office water cooler and a Toshiba microwave, sit the makings of controversy.

Box by box, file by file, page by page, a handful of UCSD campus evaluators carefully scrutinize freshman applications for next fall—all 19,050 of them.

More than half the applicants will be offered the chance to enroll when acceptance and rejection letters are sent starting March 2.

In the cases of many applicants, it's not a tough choice.

Most applicants' combined grade-point averages and test scores are so high—or so low—that their acceptance or rejection usually is not in question. Sixty percent of the students who enroll at UCSD are selected solely on academic credentials.

Then there's everyone else.

For students in the middle, test scores and grades are calculated as well, but additional points are assigned that could determine whether UCSD has a spot for them. Are they disabled? That's worth one point. A veteran? One point. Poor? Three points. An underrepresented minority? Three points.

This, university officials say, is one way to right some of the nation's wrongs by allowing minority advancement in largely wellheeled and white institutions.

U.S. Rep. Dana Rohrabacher, R–Los Angeles, bristles at such talk, saying the point system and admissions practices at the UC campuses amount to racial quotas.

"I think it's totally absurd," he said. "What we're seeing here is a bastardization of the whole concept of affirmative action."

In October, Rohrabacher got federal education officials to investigate allegations that UCSD discriminated against a handful of Filipino-Americans who were not admitted last fall.

Because Filipino-Americans and other Asians no longer are considered underrepresented on campus, they are not assisted by affirmative action programs.

John Bunzel, former president of San Jose State University and a former member of the U.S. Civil Rights Commission, believes affirmative action is too entrenched in admissions.

"I have long felt that women and minorities were not in the loop," he said. But, he added, "it's not right to diversify by simply playing the numbers game."

Point systems and other strategies to woo minorities often results in cockeyed tradeoffs, critics like Bunzel and others argue.

Should a top-flight Hispanic student from a rich-family be admitted but not a poor white student with similar grades? If American Indians continue to get special consideration in admissions, why shouldn't impoverished immigrants form Southeast Asia?

"It's not a science," said UCSD admissions director Ronald Bowker.

Even some longtime supporters of affirmative action agree that it has been unevenly applied at times.

"To be sure, it has lumbered and creaked. It has worked slowly and incompletely," New Jersey professor Catharine Stimpson wrote in a recent issue of The Chronicle of Higher Education, an influential academic journal.

But, she wrote, "the important reality is this: affirmative action has worked."

Minority attendance at colleges nationwide rose during the last half of the 1980s largely due to aggressive recruitment, according to the American Council on Education.

From 1988 to 1990, the percentage of black students grew 8.2 percent, while Hispanics posted an 11.5 percent increase.

The figures are less encouraging within the UC system, where the number of black and Hispanic undergraduates has seen little gain in recent years.

The Latino population at UCSD has grown from 5.1 percent of the undergraduates in 1986 to 7.5 percent today. The percentage of blacks has actually slipped—from 2.9 percent to 2.8 percent.

UC administrators, frustrated by the numbers, have stepped up recruitment drives in recent years at high schools and community colleges.

High school dropout rates remain high among Hispanics and blacks. In addition, only a small percentage of those who do graduate meet UC eligibility standards.

Under state mandate, only the top 12.5 percent of California's high school graduates are eligible for UC admission.

Rather than fiddling with points and other ways to beef up minority representation, critics of affirmative action say educators should instead try to improve high school graduation rates.

With many Asians, it's another story. The percentage of Asians has grown so high that UCSD and other campuses no longer consider them underrepresented.

Largely because of the rise in Asians, the freshman class at UCSD entering next fall is expected to be the first in which whites are not a majority.

In recent years, both UCLA and UC Berkeley have modified their policies to ease concerns over admission limits that some viewed as having an anti-Asian bias.

Now with the federal investigation, UCSD is in the hot seat.

Joseph Watson, UCSD vice chancellor for undergraduate affairs, said the campus has done nothing wrong, despite assertions by Congressman Rohrbacher that the university's affirmative action policies have hurt both Asians and whites.

The conservative congressman demanded the federal investigation after reading a newspaper account regarding several Filipino applicants.

Watson said Rohrbacher made no attempt to contact the campus before calling for the probe, giving the impression that his demand was politically driven.

In recent months, the Bush administration has called into question the use of minority scholarships and whether private accrediting agencies should continue to look at campus affirmative action policies.

"That all sends a very discouraging message that has a chilling affect on affirmative action," said American Council on Education President Atwell.

Those moves—timed with the recession, budget cuts in education and skyrocketing student fees—have fed the backlash against affirmative action, educators say.

Said Watson: "As families feel more under the financial gun, more anxious about their futures . . . , there's going to be more tension with this."

Jennifer Riel said that when she was a young girl, her immigrant parents encouraged her "to work very hard and to attain what they couldn't."

Last year, she graduated valedictorian at Sweetwater Union High School. Her grade-point average was a better than perfect at 4.5 because of several honors courses.

Then came word from Berkeley.

Administrators told her she had applied for the most competitive major on campus—bioengineering.

"Our denial of Riel's application for admission is not a negative reflection on her achievement," a campus official wrote at the time. "It is entirely a reflection of our inability to accommodate the extraordinary demand for places at Berkeley."

Riel wanted to change her major on her application but was not allowed to under Berkeley policy.

Today, she attends Loyola Marymount University in Los Angeles. She said she is not happy there and is considering applying to USC.

Meanwhile, in thousands of San Diego households—from the city's hilltop spreads to its poorest neighborhoods—the wait is on.

Families are starting to get letters from campuses nationwide telling them whether their children made it into their college of choice.

Serra High School senior Tracy Ward has her sights on Duke University in North Carolina. Ward, who has a 4.6 grade-point average, has also applied to three UC campuses.

But, she explained, "being white and middle-class, it doesn't make me stand out at all."

Still, she has no qualms about affirmative action. "I've had all the opportunities I could want," she said. "So many people don't get those."

Aaron Glynn of Bonita Vista High School in Chula Vista is hoping to get accepted into a college in Colorado.

The 17-year-old senior believes affirmative action has "gone a little too far."

But Glynn himself may benefit from a type of affirmative action as well. Glynn said he has applied to a campus that gives special consideration to those with his sort of handicap: dyslexia.

"I should get a little break to get in," he said.

ETHNIC DISTRIBUTION OF FIRST-TIME FRESHMEN AT UCSD—1986 AND 1991

Over the last few years, UCSD has become increasingly diverse. In 1986, whites represented 61% of the freshmen class; today they represent 51%. The largest proportional enrollment gain is among Asian-Americans who represented 15% of the freshman class in 1986 and 23% in 1991.

1986:	*Percent*
Native American	0.3
Latino	2.6
African-American	3.4
Chicano	5.4
Filipino	5.7
Other	6.7
Asian	15.1
White	60.8
1991:	
Native American	1.3
Latino	1.5
African-American	2.4
Filipino	3.3
Chicano	9.0
Other	9.1
Asian	22.7
White	50.6

Source: UCSD.

TEXTILE WORKER, LEONARD HELTON, TESTIFIES BEFORE THE HOUSE WAYS AND MEANS COMMITTEE

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. BALLENGER. Mr. Speaker, recently one of my constituents, Leonard Helton, testified before the House Ways and Means Committee. Mr. Helton described how the beleaguered textile industry and workers have suffered under current economic conditions. Speaking as an average worker, Mr. Helton clearly and accurately argued his case, pointing out what was wrong and what Congress could do to improve matters.

I am placing his testimony before the committee into the CONGRESSIONAL RECORD because the Ways and Means hearing was not well attended and I wanted to help Mr. Helton get his message to Congress.

[From the Gaston Gazette, Feb. 6, 1992]

MR. HELTON GOES TO D.C.—STANLEY MAN TELLS CONGRESS WHAT LIFE'S LIKE AT HOME

(By Leonard Lee Helton, Sr.)

First, I want to thank each of you for allowing me to come before you and tell how I feel about the economic impact on myself, my family and coworkers.

As a textile and apparel worker for 25 years, I have seen how the textile and apparel industry has continued at a slow pace, whereby some weak textile plants have stood inactive because of a slow movement of goods sold into the textile related markets. You, as congressional leaders and elected officials of the people, must do something now to alleviate this great economic problem affecting the average American worker.

We, the American work force, cannot maintain ourselves on a fixed financial budget. This is due to increased taxes and higher financial obligations that occur every year. We do not receive enough raises in our salaries to overcome the obstacles presently at hand. We are not assured from one week to the next how many hours we will work or how well our product will be sold into the American market.

You probably feel it's up to the individual employees to stand their ground and do the best they can. In this regard, both employers and employees of the textile industry have been trying since 1985 to get a textile and apparel bill passed by the president. This bill has been vetoed three times by our president.

In 1985 we attempted to get the Textile and Apparel Trade Act (H.R. 1154) passed by the president. On Oct. 4, 1988, we were 11 votes short of overriding the president's veto.

Again, in 1990, roughly 200 members of Congress introduced the Textile, Apparel and Footwear Trade Act of 1990 (H.R. 4496). Also, Sen. Ernest Hollings, D-S.C., introduced identical legislation in the Senate. The Senate began considering the bill on Friday, July 13, and passed the bill on Tuesday, July 15, by a vote of 68 to 32. During the past six years, the Senate has passed similar legislation three times.

The goal of the House and Senate bills is to put foreign textile and apparel imports on par with the current growth rate of the U.S. domestic textile industry. The bill would have established global import quotas for each category of textile and textile products using the 1989 level of imports as a starting position. The bill would have allowed a 1 percent increase in foreign imports per year, consistent with the current growth rate of the domestic textile market.

Also, in January 1991, there was a bill (H.R. 713). This was a bill introduced to amend the Tariff Act of 1930 to require that certain revenues attributable to tariffs levied on imports of textile machinery and parts thereof be applied to support research for the modernization of the American textile machinery industry.

Represenatives, an economics professor from Belmont Abbey College, Mr. William Van Lear and I have drawn up a petition to enact job retraining and education programs in every major industry in the United States.

The petition reads as follows:

We believe that it can be financially and emotionally difficult for people who are unemployed or who work in declining industries to retain relocate and assume new jobs. Industries such as textiles, lumber, defense, steel and coal are suffering and will continue to suffer economic hardships. Therefore, we advocate a federal initiative, led by the Department of Labor in conjunction with labor departments in the states, to provide:

1. Grants and loans to families for retraining and education, and;

2. Easily accessed information for families on job availability and location.

We propose that this program be financed by making the federal income tax more flexible and from state income taxes.

May I inquire of you? How can an average worker purchase any "Big Ticket Item" when he isn't assured of a steady income? This financial burden affects every American and foreign industry in America. Fewer goods sold, fewer hours worked equals less basic income for the average worker. We are having a rough time of meeting our financial obligations.

This troublesome economic situation not only creates financial worries for the American worker, but it also translates into a stressful home environment. Please, be aware that economic stress affects every member of the family.

Pardon the expression, but we, the average worker, are "up to our ears" with increased taxes. If some action is not taken soon, we will see multitudes of American families go under.

Consider these figures on textile and apparel plant closings and jobs lost during the years 1989 through 1991: There were 67 plants closed and 72,000 jobs lost over those three years. Of the 1.8 million textile workers nationwide, more than 300,000 are employed in North Carolina and 40,000 are employed in the 10th District of North Carolina alone.

I have been assured that in other related industries there are many plant closings and thousands of jobs lost during the past year alone. You may stipulate that these situations are due to modernization of plants and the technology in these plants. This may be true in a small way, but it comes full circle to the weak economic American market which continues to diminish.

An idea that would benefit the average American worker is to reduce taxation. To accomplish this, President Bush and elected officials, as yourselves, need to enact permanent reductions in federal tax rates. Instead of a one-time, year-end bonus, which is what the $300 rebate plus would be, we need a permanent tax cut through reductions in income and Social Security tax rates. If taxes were lowered on income, work would become rewarding and attractive, compared to welfare and leisure time.

Secondly, we need to lower taxes on investments. A cut in the capital gains would do a great deal to lay the foundation for future economic growth. Slashing the capital gains tax would encourage the kind of small business foundation that drives long-term economic growth. The large majority of new jobs in America are created by new and small businesses. The reward for the entrepreneur who initiates these companies is more often a capital gain rather than direct income. So reducing the capital gains tax will directly encourage entrepreneurs to begin new companies, thereby creating new jobs and new products.

This would also help American industry to compete with overseas trade. Among the major industrial powers, the United States maximum rate of 33 percent on capital gains is one of the highest in the world. In Germany, South Korea, Taiwan and Hong Kong, the capital gains tax on investments held more than one year is zero. In Japan, the maximum rate is 1 percent of the sales price of 20 percent of the net gain.

Each time the capital gains tax has been reduced revenues for the federal government have actually increased.

Representative, I certainly hope that you, the committee and our great president will do everything possible to alleviate this great economic challenge facing the average American worker.

May God's grace and blessings go with you in whatever decision you make.

HOLY TRINITY RUSSIAN ORTHODOX CHURCH CELEBRATES 73D ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize the Holy Trinity Russian Orthodox Church of Baltimore, MD, upon its 73d anniversary. On February 9, 1992, the Holy Trinity Russian Orthodox Church celebrated over seven decades of ministering to the needs of its congregation with the warmth and caring that only the church can provide. It was indeed an honor to participate in the fellowship and celebration of this very special occasion.

Rich in history and charm, the church originally ministered to the Russian ethnic community of Baltimore. Until recent years, church services were given in the native language. Today, however, the church ministers to a broader diversity of nationalities and services are now given in English. Since 1919, Holy Trininty Church has sought to serve the community and its members through serving God.

While at the anniversary celebration, I had the distinct pleasure of meeting the last surviving founder of the church, Mr. Constantine Uchuck. Born in the Ukraine, Mr. Uchuck came to the United States in 1910. In May of this year, he will be 100 years old. Like many other ethnic groups during that time, Mr. Uchuck, along with other founders, sought to establish a place of worship. Mr. Uchuck helped to establish the church, and, like the church, he also is full of character and spirit. Constantine Uchuck personifies the struggles, trials, and triumphs that many immigrants to our country experienced.

During the Great Depression, Constantine suffered a great deal, and during World War II he worked as a crew leader building Liberty ships here in Baltimore. In addition, he worked as a tailor and worked for 42 years for the Hirshey Clothing Co., retiring in his eighties. The experiences of the Great Depression had a lasting impact on Mr. Uchuck and left him with a great concern for those less fortunate. A very generous man, he continued well into his late 90's to grow hundreds of tomato plants and harvest bushels of tomatoes which he never sold but rather donated to homeless shelters, senior centers, and charities throughout Baltimore.

One cannot help but be impressed with Constantine Uchuck. I feel that as a founder of the Holy Trinity Russian Orthodox Church, he represents the type of character that made our Nation and Holy Trinity Church so special. We are indeed blessed in this country with more than monetary or material wealth. Our national treasures are people like Constantine Uchuck and the members of Holy Trinity Russian Orthodox Church.

The 73d anniversary of Holy Trinity Russian Orthodox Church is a proud and joyous occasion for the congregation and surrounding community. An important and established part of the community, the church is a place of worship and a source of faith and guidance to many. The health and vitality of the church is a great concern of mine as the church has a profound impact on the well-being of our country. Without the church, we would indeed be a lesser nation.

As the proud author of House Joint Resolution 325, Religious Freedom Week, I take a special pride in the religious freedoms we enjoy in this country. Through their faith, charity, and reverence for God, Holy Trinity Russian Orthodox Church not only has made Baltimore a better community in which to live but a better nation as well.

Mr. Speaker, fellow colleagues, it is with great respect and admiration that I congratulate the Very Reverend Father Mark Odell, Constantine Uchuck the last surviving founder, and the members of Holy Trinity Russian Orthodox Church upon this momentous occasion. May God bless them in the years to come.

TRIBUTE TO NORMA CRADEN, LONGTIME LABOR ACTIVIST IN NORTHWEST OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Ms. KAPTUR. Mr. Speaker, northwest Ohioans were saddened on February 18 by the death of a truly remarkable women—Norma Craden. A labor leader in our area for over five decades, Norma Craden left her mark on all working people in northwest Ohio. But her contribution to women in the workplace will surely be her most enduring legacy. Hundreds of women in our area, including myself, have and will benefit from her half-century of hard work on our behalf.

Norma Craden was born and raised in Toledo. Her first job was as a waitress at the Algeo Hotel. It was there that she began her distinguished career in the labor movement by becoming active in Local 335 of the Bartenders and Waitresses Union. During World War II Norma Craden—as did as so many other women during that time—left to work on an assembly line. During that time she became the first woman in northwestern Ohio to serve as president of Local 27 of the United Auto Workers. From that point on Norma Craden took her influence within the labor movement and used it to help women achieve true equality in the workplace.

In 1948 Norma Craden became a long-distance telephone operator for the Ohio Bell Co. where she worked for 30 years. During her time there she served as a union steward, chief steward, and was eventually elected president of the Communications Workers of America local. She worked tirelessly in this capacity as the liaison for the Toledo Area AFL–CIO to the United Way, a delegate to 17 CWA conventions and as one of five CWA local officers on the union's contract-negotiating team with Ohio Bell.

Despite her official retirement from the phone company in 1978, Norma Craden did not stop working for the rights of workers. She continued to serve as president of the Communications Workers of America—until her declining health prevented her from seeking another term.

Norma Craden's years of work earned her the respect and admiration of those who knew her and those who benefited from her efforts. She received commendation from the Toledo City Council, the Ohio Senate, the Ohio House, and the American Red Cross for her work in coordinating labor and management participation in blood bank donations.

On behalf of all the citizens of northwest Ohio I would like to extend our sympathies to Norma Craden's son, Dr. Michael Craden; sister, Elizabeth Nixon; brother, Albert Boyles; and two grandchildren. A truly remarkable women, Norma Craden's imprint on the lives of working men and women everywhere will be felt for some time to come.

NEEDS OF THE ELDERLY UNMET IN MISSOURI

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. CLAY. Mr. Speaker, I would like to insert for the RECORD a letter by William Stodghill, president of St. Louis Service Employees Local 50, that appeared in the St. Louis Post Dispatch on February 5, 1992. I believe Mr. Stodghill makes a convincing argu-

ment that lawmakers in Missouri have ignored the needs of the elderly confined to State nursing homes.

CARE FOR CAREGIVERS

No occupation is as interesting or important as that of working in nursing homes.

As the late Sen. Hubert H. Humphrey once said: "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy and the handicapped." The dedicated professionals who work in Missouri's nursing homes—who care for those "in the twilight of life"—cannot earn a living wage.

Nurse's aides must be certified to perform their vital service to our society. Yet today in Missouri, the wages of a nurse's aide are equal with those of a fast-food restaurant employee. It is the same situation for all the different types of workers who make up a nursing home's staff.

Missouri has one of the lowest Medicaid reimbursement rates for nursing homes in the entire United States. Each time the issue is raised, lawmakers bring up tough economic times. What government budget item should be given a higher priority than human life? What service shall we perform with government dollars, if we will not care for the vulnerable elderly who toiled all their lives in the hope of being secure when they grew too old, too weak, to continue to toil alone?

I hope that our legislators and the residents of Missouri take action soon to answer the needs of our nursing homes.

CELEBRATE THE BILL OF RIGHTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. EDWARDS of California. Mr. Speaker, December 15, 1991, marked the 200th anniversary of the Bill of Rights, the first 10 amendments to the U.S. Constitution. As we celebrate this significant event, I would like to share with my colleagues an exceptionally well-done eight-part editorial series that appeared in the Atlanta Constitution. The first editorial, which I insert in today's RECORD, gives a brief history of the Bill of Rights. The remaining editorials, which I will insert in the RECORD over the next week, focus on the individual amendments and conclude with an assessment of where the Bill of Rights stands today. I encourage my colleagues to read all of these editorials.

[From the Atlanta Constitution, Dec. 8, 1991]

CELEBRATE THE BILL OF RIGHTS

Dec. 15 will mark the 200th anniversary of the Bill of Rights, the 10 initial constitutional amendments that limit the ability of government to intrude on the liberty of "We the people of the United States."

The bill was drafted by the First Congress in order to satisfy anti-Federalist concerns that the new Constitution would give the federal government far too much control over individual citizens and the several states. A number of states ratified the Constitution with the proviso that it be amended to include specific protections against government overstepping its delegated powers.

But only relatively recently has the Bill of Rights lived up to its potential as a bulwark of liberty.

Prior to the Civil War, the Supreme Court held that the bill's protections applied only to federal cases. Since most violations of rights occur at the state level, the bill became all but a dead letter.

During Reconstruction, Congress wanted to ensure that the rights of the newly freed slaves not be trampled in the Southern states. To extend Bill of Rights protections to all jurisdictions, the 14th Amendment (1868) declared that no state could abridge citizens' "privileges or immunities," deprive any person of "life, liberty, or property, without due process of law," or deny any person "the equal protection of the laws."

Yet for decades, a conservative Supreme Court limited its intervention under the 14th Amendment to preventing economic regulation. This era was typified by the notorious Lochner decision, in which the court threw out a New York law limiting the hours bakers could work, on the grounds that this violated bakers' liberty to sell their labor. (State courts interpreted similarly the bills of rights written into their own constitutions.)

Only after World War I did the Supreme Court begin to use the Bill of Rights to protect individuals in their exercise of conscience and within the criminal justice system. And it took the Warren court of the 1950s and 1960s to bring about a full-scale rights revolution.

From religion to libel, from national security to obscenity, the Supreme Court insisted that officials had to pass tough tests if they were going to prevent individuals or institutions from expressing themselves as they saw fit. Likewise, police and prosecutors could no longer run roughshod over individuals who were under investigation or charged with crimes.

The Warren court did not lack for critics of its judicial activism, and under the successor regime of Chief Justice Warren Burger, the rights revolution ground to a halt. Now, under Chief Justice William Rehnquist, the Supreme Court is engaged in a counter-revolution.

Virtually across the board, the Rehnquist court has set about reversing Warren era precedents. It has lost interest in protecting individuals and minority groups from majoritarian control and has instead become deferential to government power, whether expressed by executive fiat or legislative act.

On its 200th birthday, the Bill of Rights as we have come to know it is under attack.

TRIBUTE TO LONG BEACH NAVAL SHIPYARD

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ROHRABACHER. Mr. Speaker, for the third year in a row the Long Beach Naval Shipyard has saved the taxpayers of America millions of dollars. During fiscal year 1991 which ended on September 30, 1991, the shipyard operations resulted in a savings of $25.3 million over estimated costs for the year.

This again for the third year shows the Long Beach Naval Shipyard is the most efficient and cost effective shipyard in the U.S. Navy. Over the past 3 consecutive years this shipyard has saved the taxpayers $99 million.

No other shipyard has anywhere near the record of the Long Beach facility. The savings accomplished by the men and women at Long Beach have allowed the U.S. Navy to repair and overhaul many more ships than otherwise would have been possible. I do not have exact figures but I suspect that the savings from the operations at Long Beach in fiscal year 1991 were greater than all seven other naval shipyards combined.

The men and women of the Long Beach Shipyard are the sole reason for this performance record. They deserve the congratulations and gratitude of all Americans.

In 1991 Long Beach Naval Shipyard received a meritorious unit commendation.

To Navy Secretary Garrett I say: Get out your pen: Another award to Long Beach should be issued.

CONGRATULATING OLYMPIC CHAMPION DIANN ROFFE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. HORTON. Mr. Speaker, I am very pleased to share with my colleagues the fantastic news out of Meribel, France: Diann Roffe of Williamson, NY, has staged a dramatic comeback and captured the silver medal in the women's Olympic games giant slalom.

Diann led a trio of U.S. skiers to what many have already called their best overall performance since the 1984 Olympics in Sarajevo. After her first run of 1:07.21 placed her ninth, over one full second behind the leader—a nearly insurmountable time to make up—Diann raced to the silver medal in high dramatic fashion.

In the giant slalom, the starting order for the second run is in reverse order of the fastest 15 skiers from the first run, so Diann went off in the No. 7 position, and she made the most of it, remarkably shaving nearly a whole second off her morning run, good enough to catapult her into first place. With both runs complete, Diann could only sit and wait while the final eight skiers each took their best shot at her combined time of 2:13.71. But only Pernilla Wiberg of Switzerland could top Diann's time. And, in the end Diann Roffe staged a stunning come-from-behind effort to capture the Olympic games women's giant slalom silver medal.

I know all my colleagues in the House of Representatives join me in sending warm, heartfelt congratulations to Williamson, New York's hometown hero, Diann Roffe.

COAST GUARD USER FEES SHOULD BE REPEALED

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. GILLMOR. Mr. Speaker, details of the House majority's tax plan have been hard to come by, but I am told the plan does not do anything to repeal the Coast Guard user fees. Mr. Speaker, over 220 Members of this House

asked you last month to include repeal of the Coast Guard user fees in any tax relief package. I ask you again now: please give the House a chance to get rid of these fees when the House considers tax relief.

Among the hundreds of Lake Erie boaters who contacted me opposing these fees were some who said Congress was unresponsive and failed to represent what people were asking for. Providing the House an opportunity to get rid of the Coast Guard user fees would help prove Congress is an institution where the opinions of our citizenry are accorded due respect. Failing to provide that opportunity would fly in the face of a clear majority will: over 400 Members went on record in opposition to the fees last summer.

As a Lake Erie boater myself, I know that the boat user fees are a drain on the economy in northwest Ohio. The fees are not fulfilling their stated purpose of reducing the deficit. They are just taking money out of the pockets of Ohioans who need it.

Boaters might be willing to pay a fee if they thought they might benefit from it through, for example, enhanced Coast Guard services. But nobody is benefiting from this tax on boaters.

These fees reflect a philosophy held by too many in Congress that if it walks, if it talks, if it breathes, or even if it floats, tax it. That wrongheaded view has fed outrageous government waste and has heaped on us a load of economic problems.

Mr. Speaker, I urge you to permit an amendment when the tax debate reaches the full House to repeal the Coast Guard user fees.

A TRIBUTE TO HIS EXCELLENCY GUSTAVO PETRICIOLI—AMBASSADOR OF MEXICO TO THE UNITED STATES: MR. AMIGO 1991

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ambassador Gustavo Petricioli, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, select a new Mr. Amigo to serve as honored guest of Charro Days festivities in Brownsville, TX. Charro days is a 4-day international event in which the United States and Mexico are joined in celebration of the cultures of these neighboring countries. During Charro Days, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances and parties to demonstrate the goodwill of both countries. It is a well planned, major function which is enjoyed and eagerly anticipated by many south Texans as well as our winter visitors.

Ambassador Gustavo Petricioli is the 28th Mexican citizen to be honored by the Mr. Amigo Association. He was born on August 19, 1928, in Mexico City, to Ada Iturbide de Petricioli and Carlos Petricioli. At the age of 24 he received an economics degree from the Instituto Technologico Autonomo de Mexico, 1952, and a masters degree in economics from Yale University in 1957.

In 1948 Mr. Petricioli began his professional career in Mexico's central bank. He served in various positions, including deputy director general. By 1967 he was appointed director general for Treasury studies at the Secretariat of the Treasury. He served in that position until 1970, when he was appointed Under Secretary of the Treasury.

From 1976 to 1982 Mr. Petricioli headed Mexico's National Securities Commission. In 1982 he was appointed director general of Multibanco Comermex, as well as general coordinator for the Mexican banking system. Gustavo Petricioli became general director of Nacional Financiera, Mexico's most important development bank, in 1983. During that time, he also served as president of the National Banks Association and as chair of several industrial committees such as, Minera Cananea, Mexicana de Cobre, Altos Hornos de Mexico, Conasupo, and Ferrocarriles Nacionales. Mr. Petricioli was appointed Secretary of the Treasury in 1986. On February 7, 1989, Gustavo Petricioli presented his letters of credence to President George Bush to serve as Ambassador of Mexico to the United States of America.

Ambassador Petricioli has also been involved in academic activities. He has taught at well-known universities and research centers of Mexico, such as ITAM, Escuela Libre de Derecho, Universidad Iberoamericana and Centro de Estudios Monetarios Latinoamericanos. He has published many articles and essays on economic and political issues.

The prestigious Mr. Amigo designate, is selected on the basis of his or her contribution to international friendship and development of mutual understanding and cooperation between Mexico and the United States.

As Mr. Amigo, Ambassador Gustavo Petricioli will receive the red carpet treatment when he visits Brownsville as the city's honored guest during the upcoming Charro Days celebration. During his 3-day stay on the border, he will make personal appearances in the Charro Days parades and at other fiesta events. Official welcome receptions will be staged by organizations in Cameron County, TX, and the cities of Brownsville, TX, and Matamoros, Tamaulipas, Mexico. Ambassador Petricioli will also be the special guest at the Mr. Amigo Association luncheon and the president's party.

The title of Mr. Amigo is especially appropriate to my good friend Ambassador Gustavo Petricioli. His efforts have contributed to better relations between the United States and Mexico.

I ask my colleagues to join me in extending congratulations to Ambassador Gustavo Petricioli for being honored with this special award.

SIGNIFICANT DATES IN DEVELOPMENT OF INDIAN POLICY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188—Senate Joint Resolution 217, House Joint Resolution 342—Congress and the President designated 1992 as the "Year of the American Indian." This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the "Year of the American Indian," and as part of my ongoing series this year, I am providing for the consideration of my colleagues a partial history of Indian policy. This list was taken from a U.S. Department of the Interior publication "A History of Indian Policy." Submitted today are dates of significant development in Indian policy covering the years from 1950 through 1970.

SIGNIFICANT DATES IN DEVELOPMENT OF INDIAN POLICY

1950: The Navajo-Hopi Rehabilitation Act, which eventually called for appropriations of over $108 million to benefit these two tribes. Similar legislation was prepared for the Papago Reservation but failed enactment.

1951: The Bureau of Indian Affairs states as program objectives "a standard of living for Indians comparable with that enjoyed by other elements of our society," and the "step-by-step transfer of Bureau functions to the Indians themselves or to appropriate agencies of local, State or Federal Government."

1952: A Division of Program is established by the Bureau of Indian Affairs to work with individual tribes to achieve the goals stated in 1951 (above).

1953: Congressional action changes discriminatory liquor laws as they pertain to Indians.

1953: Act to allow extension of State legal jurisdiction over Indian reservations in certain specified states includes a controversial clause allowing other states to take similar action without Indian consent.

1953: House Concurrent Resolution 108 calls for termination of special services of the Bureau of Indian Affairs to specified tribes and in particular States "at the earliest possible time."

1953: to 1964: The Navajo emergency education program more than doubled Navajo school enrollment.

1954: Congressional legislation to carry out the policy expressed in HCR 108, 1953.

1954: Act to transfer the Division of Indian Health from the Bureau of Indian Affairs to the U.S. Public Health Service (PHS) (accomplished in 1955). Appropriations for Indian Health rose from over $12 million in 1950 to over $61 million in 1965.

1954: Legislation to secure transfer of Bureau of Indian Affairs agricultural extension to the Department of Agriculture failed enactment, but was later acccomplished by administrative action.

1956: The Bureau of Indian Affairs initiated a program to provide basic education to

adult Indians; the Congress enacted a vocational training program for Indians from 18 to 35; and the Bureau of Indian Affairs commenced an industrial development program to encourage industry to locate on or near Indian reservations and to employ Indian labor.

1957: Legislation authorized PHS to assist communities with the construction of health facilities that would benefit both Indians and non-Indians.

1958: Legislation allowed Indian tribes to benefit from federally impacted area bills (PL 81-815 and PL 81-874) by securing financial assistance for the construction and operation of schools that would benefit Indians.

1958: A Statement of Secretary of the Interior modified the position of the Department on termination.

1959: Legislation authorized PHS to construct sanitary facilities for Indians.

1961: Interior Department and Bureau of Indian Affairs changed their land sales policy to allow Indian tribes or other Indians the first opportunity to acquire individually owned lands offered for sale by Indians—this was a great assistance in tribal land consolidation programs.

1961: Authorizations for the Indian revolving loan fund increased from $10 million to $20 million; and benefits from the Area Redevelopment Act and Housing Act are extended to Indian reservations.

1961: Interior Secretary names a Task Force to study Indian Affairs and make long-range recommendations; the Commission on the Rights, Liberties, and Responsibilities of the American Indian publish their *Program for Indian Citizens*; and the Indians gather at Chicago to make their *Declaration of Indian Purpose*.

1962: Benefits of Manpower Development and Training Act made available to Indians; and the Congress authorized nearly $135 million for the Navajo Irrigation Project.

1962: Interior Secretary names a Task Force to study and make recommendations concerning Alaskan Native Affairs; and Bureau of Indian Affairs Relocation Services becomes Employment Assistance.

1964: The Economic Opportunity Act through the Office of Economic Opportunity (OEO) Indian Desk extends its benefits to Indian reservations.

1965: Birth control advice and services are offered to Native Americans and natives of the Pacific Trust Territories through the Interior Department.

1966: The appointment of a new Commissioner brings a flurry of Congressional interest in termination that eventually results in further stress on Indian economic development.

1966: Special programs for Indian children are provided under the Elementary and Secondary Education Act.

1968: Civil Rights Act extends the guarantee of certain constitutional rights to Indians under tribal governments. Repeals 1953 action allowing States to extend legal jurisdiction over Indian reservations without tribal consent.

1968: Special Message to the Congress on "The Forgotten American" March 6, 1968, by President Lyndon B. Johnson, in which he calls for the establishment of a National Council on Indian Opportunity to be chaired by the Vice President and to include "a cross section of Indian leaders" and the Secretaries or Directors of those departments or agencies that are significantly involved with Indian programs (NCIO is to encourage all Government agencies to make their services available to Indians, and is to coordinate their efforts to achieve particular purposes). President Johnson also suggests that the idea of "termination" should be replaced by Indian "self-determination."

1968: As a Presidential candidate Richard M. Nixon also speaks out against the termination philosophy and suggests that "American society can allow many different culture to flourish in harmony."

1969: Ninth Circuit Court upholds land "freeze" order of the Interior Secretary on behalf of Native Alaskans and affirms the validity of the Native's position in regard to aboriginal use and occupancy.

1969: Environmental Policy Act protects resources of Native Americans and other citizens.

1969: Publication of report of Senate Committee on Labor and Public Welfare, *Indian Education: A National Tragedy—A National Challenge*, with recommendations.

1969 to 1970: Studies of and hearings on urban Indian programs tends to liberalize Government services to this group.

1969 to 1970: It has become Bureau of Indian Affairs policy to encourage the formation of Indian school boards and to invite Indian leaders to take over the management of their own schools and other programs formerly administered by Bureau of Indian Affairs employees.

1970: New census records approximately a 50% increase in the population of Native Americans from 1960 to 1970 (1960 count 551,669, compared to a 1970 count of 827,091).

1970: In a Special Message to Congress on Indian Affairs July 8, 1970, President Nixon stated: "The time has come to break decisively with the past and to create conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions." The President also asked for a new Concurrent Resolution that would "renounce, repudiate, and repeal" the termination policy outlined in HCR 108 of the 83rd Congress.

1970: The President's request for the return of the Blue Lakes area to the Indians of Taos Pueblo was enacted by the Congress and signed by the President December 15, 1970.

1970 to 1971: There is a considerable increase in the number of Indians in leadership positions in Federal Indian programs.

1970 to 1971: Zuni Pueblo Indians of New Mexico began their "home rule" experiment in 1970, and the Miccosukee Indians of Florida assumed control over their own affairs in 1971.

AMERICANS FOR AMERICA DAY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. GALLO. Mr. Speaker, I rise today to bring to the attention to all of the Members of this body the activities of the Americans for America Day Committee. This group of young people, most of whom are from my district in New Jersey, have envisioned a nationwide event, on September 26, 1992, that will bring all Americans together toward a brighter and more prosperous future.

On Americans for America Day, the committee expects Americans from across the Nation to set aside their cultural, theological, and political differences, and to join together and take personal action to improve their community, and the Nation as a whole.

Some individuals will clean up their neighborhoods, others will volunteer at community centers. Individuals will be urged to be constructive and to improve their surroundings. In so doing, the citizens who participate in the Americans for America Day will be helping to make America better for all of us.

Mr. Speaker, I urge my fellow Members to reach out to the Americans for America Day Committee, and consider participating in the Americans for America Day.

A NEW PHASE OF THE CREDIT CRUNCH

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. KENNEDY. Mr. Speaker, the credit crunch continues to grip New England and other regions of the country. Solid, creditworthy businesses have been unable to obtain the bank financing they need to maintain and expand their operations. Consequently, many of these businesses have been forced to scale back or shut down, resulting in layoffs of tens of thousands of workers.

The causes of the credit crunch are complex. Certainly, the current real estate is a major factor. As real estate loans have soured, banks and thrifts have been forced to place vast amounts of funds into loan loss reserves—funds that otherwise could have been used to make new loans.

In recent days concerns have been raised that we are entering a new phase of the credit crunch. New bank and thrift capital requirements may force the closure of weak but viable institutions, and further restrict the flow of credit from lenders to borrowers.

This view was recently set forth by Richard Syron, President of the Federal Reserve Bank of Boston. In testimony before Senators KERRY, COHEN, and myself in Boston on February 3, 1992, Mr. Syron warned of the economic harm caused by raising capital standards in the middle of a recession. His observations are compelling. Let me just include a few here for the benefit of my colleagues:

"The primary role of capital should be to act as a shock absorber, something to be drawn down in bad times and built up in good times. However, as a result of a variety of factors, the fundamental role of capital has been altered in the last few years. Banks whose capital has become depleted are expected to receive higher capital ratios than banks that have not had losses * * *. While this might seem prudent for each institution in isolation, when it is required for a large number of banks in a region at the same time, the economic impact is perverse * * *."

"Raising expected capital ratios for banks that are most vulnerable defies common sense. Substantially increasing the required capital ratio for viable banks that have just experienced large losses is equivalent to requiring the trailing team to go 115 rather than 100 yards for a touchdown * * *."

"We have adopted a panoply of capital targets for banks, targets that are not always conceptually consistent and in application may be causing unwanted constriction of credit flows * * *."

"Banks, which experienced large but not fatal losses, must be given time to recover. They cannot be allowed to take additional large bets and banks supervisors must be satisfied with their management, but weak but stabilized banks should no longer be forced to shrink their institutions uneconomically."

"We must find ways during the contraction to reconcile our treatment of individual institutions with our overall economic goals. It is clear that what may be an appropriate regulatory approach for individual institutions may not be appropriate when considering the needs of the economy as a whole. I realize that some might mistake this for the dreaded word "forbearance," the uttering of which is equivalent to professional suicide for a regulator. However, it is not. It is good economic policy."

Mr. Speaker, all of us want to ensure that lenders have adequate capital on hand to cushion against loss. None of us supports a policy of "forbearance" that is not more than government-sanctioned recklessness. We must take care to avoid actions that achieve the opposite of what we seek: a healthy banking system operating in a healthy economy. I hope that, in the days ahead, we will give serious thought to Mr. Syron's comments, and how we might achieve our national economic objectives.

REMOVE BARRIERS TO EDUCATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. FORD of Michigan. Mr. Speaker, I am today introducing legislation, H.R. 4277, to undo back-door changes to the Federal Student Loan Program, which were enacted as part of the unemployment compensation extension of last November.

In November, before the President had spent time with unemployed workers in New Hampshire, his administration bargained with our leadership to work out an unemployment compensation bill which the President would sign. The President's aides said yesterday that the fact that New Hampshire has been hit so hard by the recession accounted for his disappointing showing in their Presidential primary election. He will probably be as surprised to learn that one-third of the other States have unemployment rates greater than or equal to New Hampshire's.

Part of the bargain to get the President to sign an unemployment extension included a provision which would require any Federal student loan borrower over 21 to have a credit check, for which they can be charged up to $25. If the borrower, in the judgment of the lender, has an adverse credit history, he or she will be required to get a credit-worthy cosigner in order to get a loan.

As I said in November, this provision undermines the purpose of the Federal Student Loan Program, reversing a 25-year commitment to the people of this country to expand access to education. The Federal student loan programs were created to provide financing for postsecondary education to students who banks would not lend to because of lack of collateral or adverse credit history. This provision specifically affects the nontraditional student—students who are older, over the age of 21. These older, nontraditional students are now in the majority in postsecondary education. Under this provision, the unemployed autoworker who has missed some payments on his or her bills will have to find a creditworthy cosigner in order to get a student loan—not a likely prospect. Thus, this jobless worker will not be able to get a Federal student loan to return to school to get the further training and education needed to qualify for employment in our rapidly changing and increasingly high-technology job market.

These student loan provisions do not belong in a bill to extend unemployment compensation. Their inclusion is clear case of legislative extortion, or even the classic bait and switch technique. With the Congress looking on, the President signed a bill giving our workers additional weeks of unemployment compensation, but with the other hand, he and we took away the very student aid program that would have helped these workers help themselves to rise to a better, more secure job. We totally undermined the purpose of the Guaranteed Student Loan Program to provide just 1 percent of the funds necessary to extend unemployment compensation.

The unemployment bill was not the place to lean on the student loan program for its perceived faults. The right place is the Higher Educational Reauthorization Act, which has over 100 provisions aimed at controlling the student loan default problem.

It is bad enough being unemployed—let us not compound the problem by cutting off our workers' best route to a better job and a better way of life for their families.

QUALITY EDUCATION NEEDS IMPACT AID FUNDING

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. SAXTON. Mr. Speaker, I rise today to alert my colleagues to the fact that one of our oldest Federal educational assistance programs may be drastically cut, if not eliminated entirely. At a time when we constantly are hearing calls for increased Federal involvement in the education of our youth, it is hard to believe that this program should be under attack.

I am speaking of the Federal impact aid program for the elementary and secondary education of children of our military men and women.

For decades we have recognized that we had to assist school districts in areas highly impacted by Federal military and civilian employment. This was not done simply to assist local school districts with their budgets—it was done to assure quality education for the sons and daughters of people who were making a vital contribution to all of our national interests.

Now, because we are making significant cutbacks in military bases and personnel, there are those who say that this program no longer is needed. Mr. Speaker, let me assure you that I have two school districts in my congressional district, which would see their ability to provide quality education severely curtailed if impact aid is cut or killed. Fort Dix, McGuire Air Force Base, and Lakehurst Naval Engineering Center—all in my district—still are generating dependent students who are entitled to the same quality education in these post cold war days as they were during any of our hot wars of the last five decades.

I urge my colleagues to join me in expressing support for continuation of a strong impact aid program.

TRIBUTE TO MAYOR AND MRS. MICHAEL A. TRAFICANTE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. REED. Mr. Speaker, I rise today to pay tribute to Mayor and Mrs. Michael A. Traficante of the city of Cranston, my hometown, to honor them for their years of compassionate service for the programs at Eastman House Inc. Established in 1984, Eastman House provides unique treatment to meet the needs of women with alcohol addictions.

Mayor Traficante's support for the agency has been demonstrated in so many ways. As mayor, he awarded Eastman House a grant of $5,000 per year—money that has both enhanced the operational budget and allowed the agency to provide services that might otherwise not be possible.

On a personal level, the mayor and his wife have been actively involved in all of the fundraising efforts and dedication ceremonies that have taken place over the years. Mrs. Traficante has played a special role by taking on the position of honorary chairperson for the Eastman House Walk-a-thon for the past 2 years.

Mr. Speaker, I ask you and my colleagues to join me in saluting two outstanding Rhode Islanders, Mayor and Mrs. Traficante. A small agency such as Eastman House must rely heavily on the support of people in the community to survive. The Traficante's leadership and their own hard work have set a great example for the community and also given a significant boost to the Eastman House Program.

In a time of program cutbacks at all levels of Government, the personal and professional commitment of Mike and Ann Marie Traficante to the Eastman House Program is well worth our recognition today.

A TRIBUTE TO RANDOLPH W. BROMERY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. OLVER. Mr. Speaker, together with the citizens of Massachusetts, I want to honor a great scientist, educator, and administrator, Randolph Wilson Bromery, on the occasion of his retirement from public service. Mr. Bomery

deserves recognition for his many contributions to the communities where he has lived and worked, to geophysical science, to international relations, and to public higher education in Massachusetts. His life has been filled with extraordinary accomplishment and dedicated public service to his State and his country.

As a geologist, he expanded our store of knowledge while with the U.S. Geological Survey for 20 years, in the United States and abroad. He has served with distinction on numerous boards and commissions devoted to science, including advisory panels to the Secretary of the Interior, the Department of Commerce, the National Academy of Sciences, Harvard, Stanford, and John Hopkins Universities, the Massachusetts Institute of Technology, and many others. Many professional societies have benefited from his active participation, including the Geological Society of America, which he served as president. Professor Bromery also devoted his talents to increasing opportunities for minorities in science and science education, opening doors to academic programs and promoting scholarship resources for minority youth.

Randolph Bromery's scientific work led him to provide valuable assistance to the developing nations of Africa, most notably Zaire and Liberia. He became a respected ambassador both to the scientific community in Africa and to the forces working for peaceful social and political change in South Africa.

With all the honors and accomplishments he has from these endeavors, Randolph Bromery may nevertheless be valued most in Massachusetts for his contributions to the public higher education system in the Commonwealth. A man of immense administrative talents, he was called upon to set aside his scientific work and lead the University of Massachusetts in Amherst, as acting chancellor in 1971–72, and as chancellor from 1972 to 1979. As a former faculty member at University of Massachusetts myself, I know what a difficult task he undertook, and how well he performed it. One of his most outstanding characteristics as an academic leader, and one that all who have know him would cite, is that he is a conciliator and a healer, one who can step in and set things right. This was confirmed twice: from 1988 to 1990, he took over the troubled office of the president of Westfield State College and brought calm and order back to that institution; and, shortly thereafter, he was brought in to serve as interim chancellor of the board of regents of higher education.

As if this were not enough, he was just recently asked to do it all again, and has accepted the position of acting president of Springfield College. This school has also experienced turmoil in its leadership, and we can expect that Professor Bromery will have the same success in guiding a private college that he had in the public universities.

Although Randolph Bromery is formally retiring from his scientific and administrative work with the Commonwealth of Massachusetts, his contributions to education and to the wider community continue. I ask the Members of the House of Representatives to join with me honoring him today.

COLORADO SPRINGS LOSES TOP COP TO RETIREMENT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1992

Mr. HEFLEY. Mr. Speaker, I am both pleased and saddened to call to the attention of my colleagues the retirement of Detective Earl D. Alrich from the Colorado Springs Police Department—pleased that he will be enjoying retirement after so many years of hard work for the safety of the community, but saddened that the police force is losing such a dedicated individual.

Mr. Alrich began his law enforcement career in 1967. Just 5 years later, he was selected for the detective bureau because of his outstanding performance as a patrolman. In this capacity he apprehended fugitives wanted on kidnaping and murder warrants, cooperated with the U.S. marshal, FBI, and other government agencies, and worked with the international police organization known as Interpol.

Throughout his 25 years of service, he has received numerous verbal and written commendations for his work. His motivation and determination earned him an enviable reputation among his peers.

The motto that he devised for the Police Department, "Protect with honor and serve with pride" is still used today.

Although he's retiring from the Police Force, Mr. Alrich will remain an active member of the community and will continue to speak publically on behalf of the Shrine-supported Crippled Children/Burn Hospital, which provides free services to individuals of any race and creed, up to the age of 18.